

THE JOURNAL OF LIBERTARIAN STUDIES

AN INTERDISCIPLINARY QUARTERLY REVIEW

SYMPOSIUM

FEDERALISM, WAR, AND RECONSTRUCTION: ANTECEDENTS AND CONSEQUENCES OF THE WAR BETWEEN THE STATES

Thomas E. Woods, Jr

Symposium Introduction

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Paul to Jeremiah: Calhoun's Abandonment of Nationalism

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The Consolidation of State Power
via Reconstruction, 1865–1890

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SYMPOSIUM INTRODUCTION

The War Between the States has been a source of controversy for some time among libertarians. Since the libertarian position acknowledges a right of secession, many libertarians have opposed Lincoln and sided with the South, at least on its right to withdraw peacefully from the Union. Others, however, appalled at the Southern slave system, have identified the Northern cause as the libertarian one.

This latter position, though, raises serious questions. How can a libertarian support the principle for which Lincoln fought, namely, that no state may secede? Is the triumph of that principle more or less likely to accelerate government's future growth? Libertarians might also reconsider the barbarism and terror of the War Between the States, a war whose conduct undermined centuries of laborious work establishing a code of civilized warfare. There are also more immediate consequences: libertarians must certainly feel apprehension at the massive and unconstitutional suppression of civil liberties, including the presidential suspension of *habeas corpus*, the imprisonment of tens of thousands, and the closing of hundreds of newspapers, to name only a few examples from the war.

All of this, in turn, raises another question: was the war's violence and destruction, to say nothing of its long-term consequences, ultimately necessary to bring about an end to slavery? Jeffrey Rogers Hummel answers no in his book *Emancipating Slaves, Enslaving Free Men*. Among other arguments, he sides with William Lloyd Garrison in suggesting that Northern secession would have hastened the end of slavery. The North, no longer obligated to the Constitution's fugitive slave clause, could have become a haven for runaway slaves.

Then there is the fact that the war left the central government more powerful than it had ever been, and the states, which had traditionally curbed federal power, in grave danger of ultimate eclipse. And it can scarcely be a coincidence that within a generation of the end of Reconstruction, with a strong federal government and an "indivisible" Union, the United States had embarked on its career of empire.

This issue of *The Journal of Libertarian Studies* explores this topic and much more. Professor Constantine Gutzman looks at an important

precursor to these events: John C. Calhoun's conversion from nationalism to localism. Professor Gutzman maintains that this critical shift was essential to South Carolina's eventual secession and, indeed, perhaps to all of Southern nationalism. Likewise, Professor Lee Cheek, author of *Calhoun and Popular Rule*, explores Calhoun's significance to American political philosophy.

Emory University's Donald Livingston strikes the heart of the matter in "A Moral Accounting of the Union and the Confederacy." Professor Livingston dismisses the standard tale of the war as an unproductive combination of myth and propaganda that fails to reckon not only with the nuances of the Southern position, but also with the long-term effects of the political centralization that the war left in its wake. Given the catastrophic destruction for which large-scale centralized states have been responsible, the actions that bring about such centralization must, in Livingston's judgment, be called to moral account.

This issue also explores Reconstruction, the postwar period which transformed Southern society, and undermined and compromised the American constitutional order. Since Eric Foner's 1988 *Reconstruction: America's Unfinished Revolution* swept the boards, it has become all but impossible to discuss Reconstruction in academic quarters. Joseph Stromberg, the Ludwig von Mises Institute's JoAnn B. Rothbard Historian-in-Residence, provides an overview of the voluminous literature about the period, supplying both the lay reader with a sense of where matters stand and the scholar with a useful aid in navigating the deep scholarly waters. Professor Thomas DiLorenzo offers a libertarian critique of Reconstruction, precisely the kind of study that has been unavailable in mainstream literature for many years.

The War Between the States, as one of the defining moments in American history, demands serious investigation and careful thought. Unthinking dismissals of the Southern position and uncritical acceptance of Lincoln's legacy are disappointing when they come from libertarians, who, in so many other areas, have shown themselves capable of independent thought and philosophical sophistication. This issue of *The Journal of Libertarian Studies* will help to infuse the libertarian position with the level of nuance and precision demanded by an issue of such profound significance.

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PAUL TO JEREMIAH: CALHOUN'S ABANDONMENT OF NATIONALISM

K.R. Constantine Gutzman*

The name “John C. Calhoun” is associated with a state-centered reading of the American Constitution of 1788. However, for the first fifteen years of his political career, Calhoun stood in the front rank of nationalist politicians. Over the course of his career, Calhoun abandoned nationalism for an emphasis upon states’ rights, then ultimately became an advocate of Southern regionalism.

This article will describe the series of events that launched John C. Calhoun down the path from apostle of nationalism to increasingly angry prophet (not to say advocate) of disunion.

THE BIG PICTURE

Calhoun’s political views, like those of many politicians of his generation, were formed by classical education in light of the War of 1812.¹ Having taken the lead in prompting Congress to declare war in that fateful year, Calhoun emerged from his nation’s travails convinced that American honor, prestige, and devotion to principle had been vindicated. However, the “Corrupt Bargain” leading to John Quincy Adams’s elevation to the presidency and Henry Clay’s appointment as secretary of state in 1825 was the first in a series of events that convinced Calhoun that something was rotten in the American polity. Seeing corruption in the general outline of the Adams-Clay policy, Calhoun began formulating his classic defense of states’ rights.

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¹See, e.g., Steven Watts, *The Republic Reborn: War and the Making of Liberal America, 1790–1820* (Baltimore: The Johns Hopkins University Press, 1987).

Yet, many scholars trace the shift in Calhoun's constitutional stance to a reappraisal of his political prospects. South Carolina, they say, had abandoned its traditional nationalism in favor of an extreme localism, and Calhoun merely flapped like a shirt in the breeze. Therefore, before turning to an exploration of the reason for his change of posture, this essay first traces Calhoun's early political career, briefly exploring episodes in which the young Carolinian self-consciously bucked public opinion and set himself apart from the caricatures of him that now dominate the historiography. His understanding of himself as a man of principle, evident from his first appearance on the public stage, is the main evidence that his (mainly partisan) detractors have Calhoun wrong.

Within a few years of 1825, the Nullification Crisis helped establish the permanent radicalization of a certain portion of South Carolina's ruling elite. The constitutional arguments that Calhoun and his followers made then eventually formed the basis of Confederate constitutionalism.² Thus, Calhoun's decision to devote himself to defensive efforts on behalf of the South during that earlier period contributed to the coming of the war in 1861.

CALHOUN'S EARLY POLITICAL CAREER

Young Calhoun's was a Calvinist mind. In a letter to his cousin, Calhoun wrote that the "Yankees" he had encountered at Yale "are certainly more penurious, more contracted in their sentiments, and less social, than the Carolinians. But as to morality we must yield."³ Calhoun, in his twenties, made a point of noticing the moral climate wherever he went. The earnest seriousness that marked Calhoun in the prime of his political career, some thirty years later in the Jacksonian period, was already stamped clearly on his character in the years of Virginia's preeminence. In the tradition of his father, he noted, "It is laid down as a maxim of prudence by many philosophers, that we ought always to make our pleasure act in subordination to our duties and obligations."⁴

²See Marshall DeRosa, *The Confederate Constitution: An Inquiry into American Constitutionalism* (Columbia: University of Missouri Press, 1991), pp. 18–37.

³Calhoun to Andrew Pickens, Jr., May 23, 1803, *The Papers of John C. Calhoun* (Columbia: University of South Carolina Press, 1959), vol. 1, pp. 9–10.

⁴Calhoun to Andrew Pickens, Jr., June 25, 1805, *The Papers of John C. Calhoun*, vol. 1, pp. 13–14.

Along with his personal abstemiousness and quest to achieve stoic self-control, Calhoun nurtured a strong patriotism first evident after the H.M.S. *Leopard* attacked the American ship *Chesapeake* on June 22, 1807.⁵ The *Leopard*’s aim was to force the *Chesapeake* to submit to a search for British deserters (and thus, in all probability, to the impressment of some of its crew). When the *Chesapeake* did not yield, the *Leopard* resorted to force, an “act of war.”⁶ The result: continental outrage from which Pendleton, South Carolina, was not immune. The torrent of controversy that swept the country even had President Jefferson thinking of war.

One little-noted effect of the *Chesapeake-Leopard* incident was the appearance on the public stage of a figure who, for forty years to come, would be a leading Anglophobe force in American politics. When the large public meeting in Pendleton adjourned on August 3, 1807, Calhoun’s neighbors were stunned at his debut on the public stage.⁷ Young John had taken the lead in drafting the convocation’s statement, which said, in part,

We are urged by the torrent of our feelings, to give vent to an indignation deep and universal. Long Silence illy becomes those in whom the Sovereignty of the country ultimately resides. . . ; it would disgrace our character Abroad, and exhibit us a degenerate and pusillanimous people, instead of a nation glorying in its Independence, united by a common and enthusiastic Patriotism; and resolute, by a joint exertion of strength, to maintain the united and indivisible interest of our common country.⁸

The notion that national virility—the willingness to pursue a capacity for self-defense—was an essential component of republican virtue would be a prominent part of Calhoun’s thought throughout his career.

Election to the state legislature was young Calhoun’s reward. His most notable achievement as a state representative was chairing the

⁵This account is based on Dumas Malone, “The *Chesapeake* Affair,” chap. 23 in *Jefferson the President, Second Term, 1805–1809* (Boston: Little, Brown, 1974), pp. 415–38.

⁶Malone, *Jefferson the President*, p. 421.

⁷Irving H. Bartlett, *John C. Calhoun: A Biography* (New York: W.W. Norton, 1993), p. 57.

⁸Calhoun, “Resolutions on the *Chesapeake-Leopard* Affair,” August 3, 1807, *The Papers of John C. Calhoun*, vol. 1, pp. 34–35.

committee which wrote universal white manhood suffrage into the state's new constitution.⁹ That John C. Calhoun played the leading role in this provision's adoption challenges some of the leading interpretations of his career. Beginning with Hermann E. von Holst's 1899 biography, many historians have endeavored to fit Calhoun's personality and career into some small niche; for von Holst, the one concept that explained Calhoun's career after 1830 was slavery.¹⁰ The most eminent current advocate of such monothematic theses, William W. Freehling, has repeatedly characterized Calhoun as a committed "elitist," each time basing his analysis on Calhoun's systematic works of political philosophy, which were written in the last decade of the statesman's life and published posthumously.¹¹ Attention to Calhoun's career before 1830 yields another view.¹²

In 1811, during his first congressional term, Calhoun wrote to a friend about his posture toward Carolina political opponents. They might attempt to undercut him, he said, but he would not relent in matters of principle:

All know that in the short time I have been in public service . . . I often advocated unpo[p]ular questions. . . . I do trust that neither their censure, [n]or that of the whole community itself will ever drive me from the path of duty. I

⁹John Niven, *John C. Calhoun and the Price of Union: A Biography* (Baton Rouge: Louisiana State University Press, 1988), p. 30.

¹⁰Edward E. von Holst, *John C. Calhoun* (New York: Chelsea House, 1980).

¹¹William W. Freehling, "Spoilsmen and Interests in the Thought and Career of John C. Calhoun," *Journal of American History* 52 (1965), pp. 25–42; William W. Freehling, *Prelude to Civil War: The Nullification Controversy in South Carolina, 1816–1836* (New York: Oxford University Press, 1965); and William W. Freehling, *The Road to Disunion: Secessionists at Bay, 1776–1854* (New York: Oxford University Press, 1990). In the first and third of these works, Freehling mentions the enactment of universal white manhood suffrage in South Carolina, but in each case omits Calhoun's role in its adoption. See Freehling, "Spoilsmen and Interests in the Thought and Career of John C. Calhoun," *passim*; *The Road to Disunion*, p. 591.

¹²While historians have long noted the obvious waning of Calhoun's nationalism between 1817 and 1832, they have never pinned down the date or proximate cause of its diminution. For the latest example of a work which avoids this issue, see Lacy K. Ford, Jr., "Inventing the Concurrent Majority: Madison, Calhoun, and the Problem of Majoritarianism in American Political Thought," *Journal of Southern History* 60, no. 1 (February 1994), pp. 19–58.

Gutzman – Paul to Jeremiah: Calhoun's Abandonment of Nationalism

love just renown; but, to me undeserved popularity ha[s]
no charms.¹³

Calhoun's first major endeavor in the U.S. House of Representatives was his presentation of a Foreign Relations Committee report on the state of British-American relations.¹⁴ As the number two man on the committee, Calhoun played the dominant role in drafting the report, which rang with the same stout republican rhetoric as had the Pendleton remonstrance on the *Chesapeake-Leopard* affair four years earlier. "We must now tamely & quietly submit," the reporter has Calhoun declaring,

or, we must resist, by those means which God has placed within our reach. Your committee would not cast a shade over the American name, by the expression of a doubt which branch of this alternative will be embraced. . . . [T]he national character . . . should be vindicated.

As if the rhetoric of "the committee" had not been persuasive enough, Calhoun closed by stating

That proud spirit of liberty & independence, which sustained our fathers in the successful assertion of their rights . . . is not yet sunk: The patriotic fire of the Revolution still burns in the American breast with a holy & unextinguishable flame. . . . The sovereignty and independence of these states, purchased and sanctified by the blood of our fathers, from whom we received them, not for ourselves only, but as the inheritance of posterity, are deliberately and systematically violated.¹⁵

In the fiery young congressman's speech, both the blood of the fathers and the rape of their legacy cried out for expiation.¹⁶ In order

¹³Calhoun to Dr. James MacBride, September 10, 1811, *The Papers of John C. Calhoun*, vol. 1, pp. 61–62.

¹⁴"Report on Relations with Great Britain," November 29, 1811, *The Papers of John C. Calhoun*, vol. 1, pp. 63–69.

¹⁵"Report on Relations with Great Britain," pp. 67–68.

¹⁶This was a recurrent theme. See "Speech on the Albany Petition for Repeal of the Embargo," May 6, 1812, *The Papers of John C. Calhoun*, vol. 1, pp. 102–8; and, especially, "Speech on the Military Situation," October 25, 1814, *The Papers of John C. Calhoun*, vol. 1, pp. 254–59. In the latter, he argues that "It is the war of the Revolution revived—we are again struggling for our liberty and independence."

to show themselves worthy of their sires, he said, this generation must make war. President James Madison, it seems, had a legislative advocate for his war-related measures whose enthusiasm for the American effort would soon outstrip his own.

State sovereignty would become a recurrent theme in Calhoun's thought; in fact, his name has become nearly synonymous with the concept. Yet, in the period 1811–1817, Calhoun was in the broad middle on this question. The so-called “Old Republicans” whose cause was the Tenth Amendment plain and simple viewed him as a consolidationist.¹⁷ The Old Republicans simply misread him.

Calhoun enunciated his lifelong theory of federal-state relations while in the House of Representatives. On December 5, 1811, during his first year in Congress, Calhoun said, “it is the theory of our government . . . that liberty can only exist in a division of the sovereign power.”¹⁸ Where he parted company with such colleagues as John Randolph was in the latter's denial that the federal government had any capacity for conducting an assertive foreign policy. In response to one of Randolph's harangues, Calhoun is reported to have said

It is not for the human tongue to instil the sense of independence and honor. . . . If [Randolph] means that this House ought at this stage of the proceeding, or any other, to enumerate such violations of our rights, as we are willing to contend for, he prescribes a course, which neither good sense [n]or the usage of nations warrants. When we contend, let us contend for all our rights; the doubtful and the certain; the unimportant and essential.¹⁹

When Randolph responded that the nation would not willingly pay for war on the scale that Calhoun's policy must entail, Calhoun countered, “Sir, I here enter my solemn protest against this low and ‘calculating

¹⁷On the “Old Republicans,” see Arthur M. Schlesinger, Jr., “Keepers of the Jeffersonian Conscience,” chap. 3 in *The Age of Jackson* (Boston: Little, Brown, 1948), pp. 18–29; and Norman Risjord, *The Old Republicans: Southern Conservatism in the Age of Jefferson* (New York: Columbia University Press, 1965). On Calhoun's tempestuous relationship with them, and especially with John Randolph of Roanoke, see *The Papers of John C. Calhoun*, vol. 1.

¹⁸“Speech on the Apportionment Bill,” December 5, 1811, *The Papers of John C. Calhoun*, vol. 1, pp. 71–74.

¹⁹“Speech on the Report of the Foreign Relations Committee,” December 12, 1811, *The Papers of John C. Calhoun*, vol. 1, pp. 75–85.

avarice' entering this hall of legislation. . . . True courage regards only the cause . . . and . . . despises the pain of war."²⁰

The personal animosity between Randolph and Calhoun is evident here; Randolph's partisan characterizations of Calhoun's policy apparently created the myth of a difference between the early "nationalist" Calhoun and the later advocate of states' rights.²¹ Also evident, though, is Calhoun's view of public virtue, which involves willingness to sacrifice oneself and to serve in the military.²²

That Randolph grew to resent Calhoun should not surprise, for Calhoun employed the most derogatory rhetoric in their encounters. One interesting exchange involved the famous "Principles of '98," which were the touchstone of the Old Republicans, and which would one day become the key to Calhoun's mature political theory. In an 1813 debate over an administration request for increased manpower, Randolph explicitly based his opposition on the Principles of '98. They could be summarized, the Virginian said, in two principles: opposition to the general government in favor of the states, and opposition to the general government in contests with individuals. He closed his speech with an encomium to George Washington.

The South Carolinian heaped scorn upon the former House majority leader. Washington's "whole life," Calhoun said, "indicated the strongest leaning on the side of the government of his country," so Randolph was being wildly inconsistent. Additionally, Calhoun said that if the Principles of '98 were as Randolph characterized them, Randolph's adherence to them disqualified him from any position in the Executive. "Trust the government to those who are hostile to it! Who prefer their own interest and rights, to its interest and

²⁰*The Papers of John C. Calhoun*, vol. 1, pp. 75–85.

²¹The notion of a radical divergence between early and late Calhoun can be seen in many surveys of the Jacksonian era, such as Edward Pessen, *Jacksonian America: Society, Personality, and Politics* (Urbana: University of Illinois Press, 1985), and in some of the Calhoun biographies, such as Gerald Capers, *John C. Calhoun: Opportunist—A Reappraisal* (Gainesville: University of Florida Press, 1960).

²²Calhoun repeated this point in his "Second Speech on the Military Academies Bill," January 3, 1816, *The Papers of John C. Calhoun*, vol. 1, pp. 289–90. For Calhoun's willingness to serve, see Calhoun to Patrick Noble, March 22, 1812, *The Papers of John C. Calhoun*, vol. 1, pp. 95–96.

rights!" The opposition had "the love of present ease and enjoyment, the love of gain, and party zeal" on its side. "These," he said, "constitute part of the weakness of our nature." In other words, the opposition's motives ran counter to those of the virtuous; the task of the majority was "to elevate the minds of the people, and to call up all of those qualities by which present sacrifices are made to secure future good."²³

Calhoun was convinced that his was the more virtuous policy, and he equated it with that of "our government and country." While the Old Republicans' siren song of frugal government might continue, 1813 found Calhoun sure his side would prevail. Even as the war went badly, he expressed confidence that the people and their government would stay the course: "The intelligence, the virtue and the tone of public sentiment are too great in this country to permit its freedom to be destroyed by either domestick or foreign foes."²⁴

The war, we must understand, had positive effects beyond the mere maintenance of national self-respect. For instance, Calhoun was extremely pleased with the war's collateral economic effect: promotion of domestic industry. He told the House,

We must . . . rejoice at the acquisition of those national qualities necessary to meet the vicissitude of war when made unavoidable. Connected with this subject, I rejoice to behold the amazing growth of our manufacturing interest. . . . It will more than indemnify the country for all of its losses. I believe no country . . . can acquire a state of great and permanent wealth, without the aid of manufactories.²⁵

In the end, Calhoun considered the war a "complete success." He was proud to be "of a party which drew the sword on [impressment],

²³"Speech on the Bill for an Additional Military Force," January 14, 1813, *The Papers of John C. Calhoun*, vol. 1, pp. 150–61.

²⁴Calhoun to Dr. James Macbride, June 23, 1813, *The Papers of John C. Calhoun*, vol. 1, pp. 177–78. The equation of his position with that of "the country," of his views with those of Americans generally, is found throughout the extant correspondence from the war years. This marks Calhoun as a typical Jeffersonian. See K.R. Constantine Gutzman, "Old Dominion, New Republic: Making Virginia Republican, 1776–1840" (Ph.D. diss., University of Virginia, 1999), chap. 5.

²⁵"Speech on the Loan Bill," February 25, 1814, *The Papers of John C. Calhoun*, vol. 1, p. 238.

and succeeded in the contest.”²⁶ More important than the end of impressment—which, objectively, is difficult to attribute to the American war effort—even more important than the marshalling of American industrial resources, was the national feeling the war had aroused:

Now, we see everywhere a nationality of feeling; we hear sentiments from every part of the House in favor of union, and against a sectional spirit. What had produced this change? The glory acquired by the late war, and the prosperity which had followed it.²⁷

Calhoun's war aims obviously had been different from those of the Madison administration, for whom the War of 1812 represented a monstrous debacle.²⁸ The War Hawk from Pendleton had been less concerned with such geostrategic goals as the acquisition of Canadian territory than with establishing his country's maturity and independence. In that limited sense, his opinion that the war had been a success was shared by large numbers of his countrymen.

With the war's end, Calhoun, like his contemporaries, was free to ruminate on the nature of the Union and its peacetime political economy. Picking up a theme he had enunciated in his 1811 debate with Randolph, Calhoun argued that the strictly limited delegation of power to the center was ideal, giving Congress all powers that were necessary, but none that would be pernicious.²⁹ As to political economy, Calhoun remained at loggerheads with the Old Republicans. The government's wartime financial system should be retained, he asserted, and even strengthened by the addition of a new Bank of the United States, until a system of fortifications and internal communications (to be financed with assistance from Calhoun's Bonus Bill) was completed. This, he declared, would render the United

²⁶“Speech on the Results of the War,” February 27, 1815, *The Papers of John C. Calhoun*, vol. 1, p. 282.

²⁷“First Speech on the Military Academies Bill,” January 2, 1816, *The Papers of John C. Calhoun*, vol. 1, p. 288.

²⁸See J.C.A. Stagg, *Mr. Madison's War: Politics, Diplomacy, and Warfare in the Early American Republic* (Princeton, N.J.: Princeton University Press, 1983); and Ralph Ketcham, *James Madison: A Biography* (Charlottesville: University Press of Virginia, 1970).

²⁹*The Papers of John C. Calhoun*, vol. 1, p. 311.

States impervious to likely British depredations.³⁰ Besides that, the tariff should provide some minor protection for “certain manufactures in cotton and woollens” to fund those programs.³¹

In 1816, Calhoun had been reelected to the House only after facing down substantial opposition in his district to his vote in support of a congressional pay raise.³² Other congressmen had advised him to downplay his vociferous support for the measure, or even to change his position. However, to have done so would have been untrue both to Calhoun’s image in his district, where he was seen as “republican virtue incarnate,”³³ and to his self-image as a man who was uninterested in being popular without being right. The measure, in Calhoun’s opinion, would keep higher quality men in the House for more than one or two terms, which made it a “highly republican” measure.³⁴ While only one-third of the sitting House members were reelected, Calhoun, who had publicly defended his vote, was among them. His colleagues rescinded the pay raise shortly thereafter, but not before even old opponents commended Calhoun’s disinterested (virtuous) stand.³⁵

President Madison’s veto of Calhoun’s Bonus Bill seems to have negated the best opportunity for any antebellum Congress to put all sections of the country on convergent paths of economic development. For Calhoun, the Bonus Bill promised to put off the advent of parochial politics; he thought a centrally directed program of internal improvements could strengthen the country militarily and, at the same

³⁰“Speech on the Additional Revenue Report,” January 20, 1816, *The Papers of John C. Calhoun*, vol. 1, pp. 314–15, and “Speech on the Revenue Bill,” January 31, 1816, *The Papers of John C. Calhoun*, vol. 1. For South Carolinians’ postwar willingness to sacrifice their personal interests to the common good of the United States, see Freehling, *Prelude to Civil War*, pp. 91–96.

³¹“Speech on Compensation of Members,” March 8, 1816, *The Papers of John C. Calhoun*, vol. 1, pp. 343–45.

³²Calhoun to Alex J. Dallas, June 15, 1816, *The Papers of John C. Calhoun*, vol. 1, pp. 361–62.

³³Niven, *John C. Calhoun and the Price of Union*, p. 55.

³⁴“Speech on the Compensation of Members,” March 8, 1816, *The Papers of John C. Calhoun*, vol. 1, pp. 343–45.

³⁵Niven, *John C. Calhoun and the Price of Union*, p. 55. Calhoun long remained convinced that raising the pay of congressmen was good policy. See Calhoun to John G. Jackson, March 31, 1818, *The Papers of John C. Calhoun*, vol. 2, pp. 216–17.

time, counteract the centrifugal tendencies so much in evidence during the war.³⁶

CALHOUN IN THE MONROE CABINET

Calhoun's political economy changed not a whit during his tenure as President James Monroe's Secretary of War. Serving the Virginian, whom he much admired (and would admire ever after), Calhoun did what he could to ensure that the new American republic would enter any future conflict with Great Britain—he thought there would be another, probably sooner rather than later—in a state of high preparedness. The fortifications and transportation network he had endorsed as the young lion from South Carolina were now his personal responsibility, and Secretary Calhoun made the most of the opportunity.³⁷

Yet, although he was devoted to the task of ensuring that Americans guarded their fathers' legacy militarily, he continued to insist that the Constitution be read correctly. In an 1824 letter to his Commander-in-Chief, Calhoun explained his long-held position on internal improvements. The Constitution did not empower the federal government to engage in intrastate internal improvements (for example, the building of roads), so, he argued, those must be left to the states. The general government should support internal improvements "which may bind all the parts together and the whole with the centre."³⁸

The most important controversy of the Monroe administration concerned Missouri's admission to the Union. When a New York congressman proposed an amendment denying Missouri the right to decide for itself whether it would have slavery, Monroe had a ready explanation: Northern leaders, hungry for power after Virginia's long domination, wanted a party issue.³⁹

³⁶John L. Larson, "'Bind the Republic Together': The National Union and the Struggle for a System of Internal Improvements," *Journal of American History* 74, no. 2 (September 1987), pp. 363–87.

³⁷Congressman Calhoun had said, "Let us conquer space." Secretary of War Calhoun's army did so. He even mounted a horse and scouted out a route for the Chesapeake and Ohio Canal himself. See *The Papers of John C. Calhoun*, vol. 9, pp. xlv, xlv–xlvi.

³⁸Calhoun to James Monroe, December 3, 1824, *The Papers of John C. Calhoun*, vol. 9, pp. 421–29.

³⁹George Dangerfield, *The Era of Good Feelings* (New York: Harcourt, Brace, 1952), p. 229.

The controversy adversely affected Union sentiment in the South and West. Calhoun prided himself on his role in fostering Union feeling; to him, such adverse sentiment was so bad a result that an immediate end to the controversy was of paramount importance.⁴⁰ Thus, from Calhoun, who shared Monroe's appraisal,⁴¹ came only moderation.

In fact, Calhoun foresaw that this issue might be fatal to the Union, for continued controversy might convince the slave-holding states that "it [was] the intention of the other States gradually to undermine their property in their slaves and that a disunion [was] the *only* means to avert the evil."⁴² His disapproval of hothead behavior on both sides was evident when he wrote to his kinsman, John Ewing Colhoun,

I still hope, that Missouri will be admitted before the end of the session; and that a question, which has so deeply agitated this country will be settled forever. Both sides have moderated very much.⁴³

In the wake of the Missouri controversy, Calhoun believed that the issue had been put to rest permanently, and he insisted that those Southerners who saw the beginning of a great sectional conflict were mistaken. Few Northerners desired such a struggle, and they were geographically concentrated. A sectional orientation would be counterproductive for the South, he knew, for if the North encountered systematic sectional opposition, "they must from necessity resort to a similar opposition to us. Our true system is to . . . advance the general interest." Yet, he feared some Southerners' continued agitation.⁴⁴ The Missouri controversy thus left Calhoun firmly in the Union camp. The federal Constitution, understood as federal rather than national, had his devoted support then, as it would throughout his career.

⁴⁰Calhoun to Andrew Jackson, June 1, 1820, *The Papers of John C. Calhoun*, vol. 4, pp. 164–65.

⁴¹Calhoun to Samuel Ingham, December 17, 1820, *The Papers of John C. Calhoun*, vol. 4, pp. 500–2.

⁴²Calhoun to Virgil Maxcy, August 12, 1820, *The Papers of John C. Calhoun*, vol. 4, pp. 327–28, emphasis in original.

⁴³Calhoun to John Ewing Colhoun, January 8, 1821, *The Papers of John C. Calhoun*, vol. 4, pp. 540–41.

⁴⁴Calhoun to Charles Trist, October 26, 1820, *The Papers of John C. Calhoun*, vol. 4, pp. 412–14.

CALHOUN'S PRESIDENTIAL PROSPECTS

From our vantage point, it seems clear that Calhoun never had a serious chance of election to the presidency in 1824, but his perspective was somewhat different. Of the major candidates, only he and Henry Clay had gone on record in support of internal improvements, and, as Calhoun wrote to his friend and political operative Virgil Maxcy, the West could be expected to support internal improvements, while his election promised to marshal the support of recalcitrant Southerners.⁴⁵ Calhoun's appeal was straightforward: the memory of his role in the much-celebrated War of 1812, coupled with his promise of internal improvements and his reputation as a proper republican, seemed to Calhoun to augur success.

The South Carolina legislature's nomination of a different favorite son, though, was a serious blow to Calhoun's candidacy, leaving him reliant on the outcome in the Pennsylvania legislature. Subsequently, Calhoun was shocked when the growing Jackson phenomenon carried the general to victory in Pennsylvania. As to the balance of the campaign, he told friends elsewhere to remember that the means of elevation were as important as the elevation itself.⁴⁶ There would be no perseverance in hope of winning in the House after an Electoral College deadlock.

Bowing to the inevitable, Calhoun withdrew from the five-man contest and set his sights on the number two office. If the caucus system were destroyed, the vice presidency would acquire its own lustre; he would accept it in that event, but he would not accept it as a caucus nominee, thus a party creature.⁴⁷ His main goals were the perpetuation of the Monroe administration's policies⁴⁸ and the defeat of the caucus system in the person of Georgia's William Crawford, the Secretary of the Treasury and nominee of the Republican congressional caucus.⁴⁹

⁴⁵Calhoun to Virgil Maxcy, September 17, 1823, *The Papers of John C. Calhoun*, vol. 3, pp. 271–72.

⁴⁶Calhoun to Rev. Jedediah Morse, April 15, 1824, *The Papers of John C. Calhoun*, vol. 9, pp. 34–35.

⁴⁷Calhoun to Lewis Cass, April 24, 1824, *The Papers of John C. Calhoun*, vol. 9, pp. 49–51.

⁴⁸*The Papers of John C. Calhoun*, vol. 9, p. li.

⁴⁹Calhoun to Lewis Cass, April 24, 1824, *The Papers of John C. Calhoun*, vol. 9, pp. 49–51.

Since he had long tormented their champion, John Randolph, the states' rights school in Virginia was skeptical of elevating Calhoun to the vice presidency. He seemed to them the very archetype of consolidationism, a sort of Federalist constitutionalist in Republican guise. In the face of such an important opposition element, the young Carolinian could be sanguine neither about his chances in 1824 nor about his future prospects: in a word, no Southerner could win the presidency without the support of Virginia. Calhoun therefore explained his career to a member of that Richmond clique, Robert S. Garnett.

If there is one part of the Constitution, which I most admire, it is the distribution of power between the State and General government[s]. It is the only portion, that is novel and peculiar . . . and I consider it to be the greatest improvement, which has been made in the science of government, after the division of power into Legislative, Executive and judicial.

In such a large area as the United States, he pointed out, a government wholly national, if it were effective, would possess such patronage and power that it must eventuate in tyranny.⁵⁰

In obvious reference to his feud with Randolph, Calhoun told Garnett that he did not believe it was proper merely to oppose the general government in every case of friction, for to do so would surely bring the rights of the states into disrepute. Rather, the intended form of federalism, the carefully considered allocation of powers to the general government and retention of the residuum by the states, was Calhoun's lodestar. The implication is clear: Randolph was so opposed to the central government's exercise of power that he had strayed from the people's will as expressed in the ratification process. Virginians had been misled, for Calhoun had always been a proponent of states' rights—states' rights properly understood, that is.⁵¹

Calhoun was certain from an early date that Crawford would be defeated.⁵² Also apparent was that the South Carolinian would be elected vice president. What he, like his fellow citizens, did not know,

⁵⁰Calhoun to Robert S. Garnett, July 3, 1824, *The Papers of John C. Calhoun*, vol. 9, pp. 198–202.

⁵¹*The Papers of John C. Calhoun*, vol. 9, p. 199.

⁵²Calhoun to Joseph G. Swift, July 20, 1824, *The Papers of John C. Calhoun*, vol. 9, pp. 235–36.

though, was who would succeed Monroe in the chief magistracy. None of the candidates won an Electoral College majority, so the top three vote-getters went into a runoff in the U.S. House of Representatives.

Speaker of the House Henry Clay had placed fourth, behind Jackson, John Quincy Adams, and Crawford, in that order. Each state's delegation had one vote. Rumors were in the air. The outcome, the House's elevation of Adams, came as an enormous surprise to Calhoun. "Things," he wrote to Virgil Maxcy, "have taken a strange turn. . . . I wish to see you much, so that you may clearly understand the present extraordinary and important crisis."⁵³

"THE CORRUPT BARGAIN"

In February of 1825, John C. Calhoun, as Secretary of War and vice president-elect, was a known commodity in American politics with several hard-earned traits of political character which would remain with him throughout his career. First, he was convinced that the United States must have a sufficient military to fend off potential aggressors. Great Britain could be expected periodically to renew its aggression against the former colonies, and vigilant republicans must be prepared. Second, he contended that the Constitution's federalism must be respected, yielding neither to states' rights extremism nor to the growing centripetal forces. Only the central government could perform the functions delegated to it, and it should perform only those.

A statesman, believed young Calhoun, should be disinterested. Monetary considerations must not drive his policy, and he must speak the truth to the public, heedless of whether he thought they would agree. Further, the proper American politician had to bear in mind that every liberty he enjoyed was part of his patrimony, and that he owed it to his fathers to pass on the legacy intact to his sons.

The War of 1812 had, as Calhoun saw it, established that his was the majority position. Americans had rejected the temptation to take the easy way out. Randolph had consistently confronted the public with the cost of Calhoun's war policy, but the public had not been swayed. It had seen the conflict through to what Calhoun considered

⁵³ Calhoun to Virgil Maxcy, February 18, 1825, *The Papers of John C. Calhoun*, vol. 9, p. 570.

a gloriously successful conclusion. Whatever the Old Republicans might say, Americans were as selfless as Calhoun's ideal statesman, and Calhoun was thrilled by the young republic's progress. America was virtuous, and Calhoun was an American.

It was against this backdrop that Calhoun viewed the "Corrupt Bargain."⁵⁴ While we cannot know if an agreement by Speaker Clay, a Kentuckian, to sway his fellows in exchange for the office of Secretary of State was what led Kentucky to vote for Adams,⁵⁵ we can chart the effects on the politics of John C. Calhoun.

Calhoun interpreted the ascension of Adams, followed as it immediately was by Clay's appointment as Secretary of State, as a gross departure from the example of James Monroe, whom Calhoun saw as a pillar of rectitude. Monroe would never have subverted the will of the people and bought the presidency. The outgoing president had devoted his life to public service, and penury awaited him. This, from Calhoun's point of view, was pristine (American) republicanism. As he had pointed out to Morse, the election should never have been thrown into the House in the first place, for disinterested (virtuous) also-rans would have withdrawn their names from consideration before letting it come to that.⁵⁶

⁵⁴In the 1824 presidential election, Andrew Jackson received the most popular votes and the most electoral votes, but he did not have a majority of either. Thus, the race was thrown into the House of Representatives, presided over by Speaker Henry Clay. The House chose John Quincy Adams over Jackson, and Adams named Clay Secretary of State. Jackson accused Clay and Adams of engaging in a corrupt bargain.

Clay lived under the shadow of that event for the rest of his life, and Adams implied that he intensely resented the imputation of corruption. *The Diary of John Quincy Adams, Adams Papers* (Massachusetts Historical Society, microfilm, reel 8, roll 39), includes a newspaper article "extracted from the *Richmond Enquirer*" explaining that if Clay had really been corrupt, he might have been in the Cabinet far sooner. Of course, he had never before had a chance at the top job.

⁵⁵It seems likely that it was, though. See, e.g., Robert V. Remini, *Henry Clay: Statesman for the Union* (New York: W.W. Norton, 1991), pp. 251–72. For the imperative that the "Corrupt Bargain" imposed on Calhoun, see John C. Calhoun, *Life of John C. Calhoun* (New York: Harper & Brothers, 1843), pp. 29–30.

⁵⁶Calhoun would have averted any repetition of this problem by means of a constitutional amendment providing for direct election of the president, hardly

Calhoun found himself in a situation unique in American history. Because of the collapse of the caucus system—although Crawford had been the caucus nominee, the majority of Republican congressmen had not participated in the caucus—Calhoun had been elected on his own merits. This was the only time that a vice president could claim that he had been chosen specifically for the position, and was “vice president because he was important, not important because he was vice president.”⁵⁷ President Adams never accepted that fact.

At this point, Calhoun began reconceiving national politics, holding the South the unsullied, republican region not implicated in the “Corrupt Bargain,” the federal government vulnerable to the manipulations of self-interested spoilsmen, and the Adams administration representative of all that Calhoun opposed. Though the British threat was in abeyance, the vigilant republican found enemies at home.

VICE PRESIDENT CALHOUN

Although the Constitution names the vice president as the president of the Senate, vice presidents of the Virginia Dynasty era were essentially presidents in absentia. Therefore, the Senate had felt free to give its presiding officer—in the vice president's accustomed absence, the president *pro tempore*, an officer elected by the Senate from among its membership—the power to appoint all committee members.⁵⁸ Calhoun's use of that power would play a part in the most interesting flap of the John Quincy Adams administration.

The vice presidency was then, as it is now, a position from which it was difficult for an ambitious man to keep himself in the public eye. Calhoun's strategy was to remind people of his wartime contributions and to lament the results of the recent election. In a May 27, 1825, speech near Pendleton, Calhoun reminded listeners that, as a young man, he had seen that the United States were “unprepared” for war—a war that nonetheless had to be fought. With the war's successful conclusion, he had not been among those on whom its experience was lost: he had supported (at the least) the Monroe-era policy of military preparation. In conclusion, Calhoun opined that the cornerstone of the

what one would expect from Freehling's elitist. Calhoun to Samuel Southard, October 11, 1825, *The Papers of John C. Calhoun*, vol. 10, pp. 47–48.

⁵⁷ *The Papers of John C. Calhoun*, vol. 10, p. xiii.

⁵⁸ Niven, *John C. Calhoun and the Price of Union*, p. 114.

American political system was office-holders' responsibility to the people "through frequent elections fairly conducted." This, he said, explained his early withdrawal from the recent presidential campaign.⁵⁹ That this distinguished Calhoun from Adams and Clay was clear.

With the passing of 1825, Calhoun became convinced that Adams would lose in 1828; his deal with Clay would not be rewarded.⁶⁰ Not everyone shared his view, however, and since Calhoun held the highest office of any administration opponent, he suffered the partisan scrutiny of the administration press. Ironically, the administration's leading claim was that the Senate president was too indulgent of John Randolph's meandering discourse.

On March 30, 1826, Randolph had (typically) moved to table some pending legislation. Nothing could have been more common. New Jersey Senator Mahlon Dickerson sought to speak on the motion, but Calhoun, presiding, refused permission. Randolph then spoke for a half hour on his motion. When the Virginian had finished, Dickerson again claimed the floor, but Calhoun again refused to grant him permission. Instead, Calhoun spoke at length on the powers of the presiding officer.⁶¹

As the matter became an issue of political gossip, Calhoun felt it necessary to justify his behavior. The speech in which he did so began with the assertion that the Senate should delegate no authority to the chair which it could exercise itself, for the vice president was neither of the senators' number nor responsible to them. The rules of the Senate under which he claimed to have acted were as follows:

Senate Rule 6: When a member shall be called to order, he shall sit down, until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, without debate; but if there be a doubt in his mind, he may call for the sense of the Senate.

Senate Rule 7: If the member be called to order, for words spoken, the exceptionable words shall immediately be taken

⁵⁹"Speech at Abbeville, South Carolina," May 27, 1825, *The Papers of John C. Calhoun*, vol. 10, pp. 21–24.

⁶⁰Calhoun to Samuel Gouverneur, June 10, 1825, *The Papers of John C. Calhoun*, vol. 10, pp. 26–27.

⁶¹"Senate Proceedings on a Proposed Amendment of the Constitution," March 30, 1826, *The Papers of John C. Calhoun*, vol. 10, pp. 87–88.

down, in writing, that the President may be better enabled to judge of the matter.

He said that, after much consideration, he had decided that these two rules left it to members to call senators to order; the presiding officer's was "an appellate power only," which was a wise allocation of authority. As his was an odd relationship to the Senate, Calhoun read his writ strictly. He begged the Senate's indulgence and resumed his seat.⁶²

Meanwhile, a storm was rising on another front. Randolph, ever the oppositionist, was aghast at both the Corrupt Bargain and the new administration's agenda. Just after Congress convened in December 1825, Randolph launched one of his classic tirades. At the end of a lengthy speech, he said the whole of his grievance stemmed from "the coalition of Blifil and Black George . . . the combination, unheard of till then, of the puritan with the blackleg."⁶³ The fallout from this speech included a duel between Randolph, Virginia's most flamboyant politician, and Clay, the U.S. secretary of state.

It also engendered a firestorm of criticism of Calhoun. One critic, in an essay pseudonymously signed "Patrick Henry," attacked him for sitting mute as Randolph digressed from the business at hand for hours at a time; his accuser also dredged up Calhoun's behavior during the Randolph-Dickerson affair. After all, Calhoun had said it was the senators' purview to make points of order; why, then, had he interrupted Dickerson on his own? "Patrick Henry" concluded that Calhoun's real intent was to let administration enemies animadvert to their hearts'

⁶²"Speech on the Rules of the Senate and the Powers of the Vice-President," [sic] April 15, 1826, *The Papers of John C. Calhoun*, vol. 10, pp. 88–90. In a letter published in both of the major Washington papers in the second week following Calhoun's speech, Dickerson protested Calhoun's opponents' claim that he had been mistreated. *United States Telegraph*, April 25, 1826; *Daily National Intelligencer*, April 25, 1826; both are cited in *The Papers of John C. Calhoun*, vol. 10, p. 91. Calhoun's solicitude for the Senate's, as opposed to his own, position had its capstone in his remarks to the Senate on February 14, 1828, when he praised the Senate's decision to make the Chair's decision appealable to the entire Senate. *The Papers of John C. Calhoun*, vol. 10, p. 349. He also noted in private that the decision supported "Onslow's" claim that the power was not inherent in the vice presidency. Calhoun to Virgil Maxcy, February 15, 1828, *The Papers of John C. Calhoun*, vol. 10, pp. 349–50.

⁶³Merrill Peterson, *The Great Triumvirate: Webster, Clay, and Calhoun* (New York: Oxford University Press, 1987), p. 140.

content. Randolph, for example, often digressed, yet Calhoun sat passively in what the critic called “a flagrant official non-feasance.” The Constitution made the vice president the Senate’s presiding officer; under Calhoun’s self-justificatory theory, if the Senate did not assign to him the power to preside, he did not have it. What kind of constitutionalism was that? Obviously, his power to squelch such as Randolph was inherent; the rules Calhoun had cited simply supplemented the office’s inherent power—they were not alternatives to it.

“Patrick Henry” said that the vice presidency and the presidency *pro tempore* were offices of different kinds. The Senate could abolish the latter at will, but the people had created the former. Thus, “Patrick Henry” argued, Calhoun’s respect for the Senate was greater than his respect for the people; this made a mockery of Calhoun’s trumpeted respect for the majesty of the sovereign people. None of Calhoun’s predecessors had been so partial, not even Aaron Burr!⁶⁴

For Calhoun, this offered a wonderful opportunity. First, Calhoun thought, as did many others, that “Patrick Henry” was President Adams himself.⁶⁵ Second, the unpopularity that had resulted from the Corrupt Bargain was worsened by the proposals contained in President Adams’s first annual message. Although he had repeatedly said that Congress should not pursue any of his programs it believed to be prohibited by the Tenth Amendment, the knowledge that Adams was willing to propose such over-reaching in the first place had Republicans in a lather.⁶⁶

Calhoun’s initial response in the Senate came on May 18, 1826. In answer to a rhetorical dust-up, he said that he would only call to order when the Senate’s rules allowed. “The Chair had no authority but what was vested in the Chair by the rule of the Senate itself. . . . The Chair . . . would stand in the light of a usurper, were it to attempt to exercise such a power.”⁶⁷

⁶⁴“Patrick Henry” to the Editor of the Washington, D.C., *National Journal*, May 1, 1826, *The Papers of John C. Calhoun*, vol. 10, pp. 92–96.

⁶⁵See “Onslow” to “Patrick Henry,” June 27, 1826, *The Papers of John C. Calhoun*, vol. 10, pp. 135–47. This assumption remained ubiquitous for a century and a half thereafter. See Freehling, *Prelude to Civil War*, p. 119. For “Patrick Henry’s” true identity, see Charles J. Catlett to Philip R. Fendall, October 17, 1826, Philip R. Fendall Papers, Special Collections Library, Duke University, Durham, North Carolina.

⁶⁶Risjord, *The Old Republicans*, pp. 258–59.

⁶⁷“Remarks on the Power to Call to Order—In the Senate,” May 18, 1826, *The Papers of John C. Calhoun*, vol. 10, pp. 97–99.

His next move was to enter the debate in print himself by assuming as his *nom de plume* “Onslow,” the name of a famous Whig speaker of the House of Commons. In his first “Onslow” letter, Calhoun denied not only that he had the power to call senators to order “for *words spoken in debate*,” but that the words in question would have been subject to a point of order in any event. Never, in any English-speaking legislative chamber, had it been out of order to call attention to Executive corruption. Thus, to claim that the president and secretary of state had “formed a corrupt coalition” could not be improper. Calhoun had been blamed for the Clay-Randolph duel, but it had been Randolph’s right to utter words which “nothing but a despotic Power, worse than the sedition law, could have prevented him from uttering!” As for the Dickerson episode, all debate had been out of order; a motion to table could be discussed, he said, only by the moving senator.

The rest of Calhoun’s article involved references to legal precedent similar to those employed by “Patrick Henry.” The consensus among historians is that this learned sparring was inconclusive. Nonetheless, “Onslow’s” legal arguments were probably more appealing as rhetoric, for his initial essay more closely resembled those of the 1770s; “Patrick Henry’s” recalled the 1798 Federalist arguments, which, along with Adams’s parentage, helps explain “Onslow’s” reference to the Sedition Act.

The Senate majority apparently had not seen any problems with Calhoun’s attitude, for, while it returned committee appointment power to the president *pro tempore*, it did nothing to augment the vice president’s parliamentary power. Tellingly, not even the administration’s friends in the Senate had disputed Calhoun. Calhoun’s construction of Senate rules and the Constitution limited his own powers. What harm could come of that? “Ought a debate, involving the conduct and motives of Executive officers, to be checked by the Chair, when every member of the Senate deems it to be in order?” “Patrick Henry’s” charge of ambition was an odd answer to a refusal to grasp at power, “Onslow” said in closing.⁶⁸

The exchange got Calhoun’s juices flowing. In a letter written shortly thereafter, he said,

⁶⁸“Onslow” to the Editor of the Washington, D.C. *National Journal* (printed instead in the *National Intelligencer* on May 20, 1826), *The Papers of John C. Calhoun*, vol. 10, pp. 99–104.

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we are on the eve of a great political struggle, which the papers in the interest of Mr. Adams & Clay attribute to "factious opposition"; but which, if I do not greatly mistake, springs from causes far deeper.

Echoing Madison's "Publius" writings, Calhoun said that faction could not long excite a large territory; only causes "such as in the opinion of the people are calculated to endanger liberty, or arrest the national prosperity" could do that. The people were right to be agitated, for "the liberty of this country was never in greater danger."

Since the American Executive was unitary, only responsibility kept it in check. Clay's move from the House to the Cabinet had impaired his popularity, as he must have expected. He must therefore have believed that offices would soon be more dependent on patronage than popularity, a deduction that the administration's behavior reinforced. "The struggle, I do believe, is between liberty and power."

As for himself, Calhoun thought he possessed the purity of the driven snow:

In opposing the caucus, the choice of electors by State legislatures, the control of Juntos, or political leaders, I was actuated by the principles, that now guide me. It has ever been the object dearest to me to procure the ascendancy of the popular voice in our system.⁶⁹

His June 4, 1826, letter (headed "Private") to Andrew Jackson addressed in the starkest terms the dichotomy represented by the administration and its opponents: power versus liberty. Calhoun used such phrases as "liberty never was in greater danger," "the power and patronage of the Executive, or the voice of the people," and so on.⁷⁰ Clay and Adams (especially Clay) represented a factious cabal, a new

⁶⁹Calhoun to Micah Sterling, May 31, 1826, *The Papers of John C. Calhoun*, vol. 10, pp. 107–9.

⁷⁰This was a theme he took up often during the Adams administration. See Calhoun to John Gardiner, February 16, 1828, *The Papers of John C. Calhoun*, vol. 10, pp. 350–51. Calhoun's rhetoric throughout this period seems identical to that of the 1770s Revolutionaries and the 1790s Republicans, as described in, e.g., Bernard Bailyn, *The Ideological Origins of the American Revolution*, 2nd ed. (Cambridge, Mass.: Harvard University Press, 1992), and Lance Banning, *The Jeffersonian Persuasion: Evolution of a Party Ideology* (Ithaca, N.Y.: Cornell University Press, 1978). The apocalyptic tones of early American opposition writings owe much to their English precursors.

Walpole ministry. If their system should become established, hereditary monarchy would not be far behind. Jackson was the hope of the Republic, “under Providence,” to thwart the attempt.

“Patrick Henry” published his second missive on June 7, 1826. He had realized that “Onslow” was Calhoun, and addressed him thus.⁷¹ Other than that, while he adduced new precedents in support of old arguments, there was little new in the letter. Calhoun’s question whether the vice president should be able to shut off Senate debate unfriendly to the Executive—to the vice president, for example—was “vulgar rhetoric,” he argued. Calhoun’s *feigned* reluctance to grasp power reminded “Patrick Henry” of Caesar, Cromwell, and Burr.

Of all the species of *moderation* in a public man, that which disclaims an authority delegated to him by the People for their own benefit, is the least entitled to applause, and the most obvious to suspicion.⁷²

Calhoun saw “Patrick Henry’s” rhetoric, with its references to Jefferson as the “Sage of Monticello” (then seen as a slur), its allusions to Milton, its reliance on Roman, to the exclusion of Greek, historical allusions, and other New England rhetorical devices as the idiom of a new faction whose appeal was to power, not virtue. This was the idiom, the mindset, that Calhoun would associate with the North ever after. To Virginia’s Senator Littleton Walker Tazewell, in the first of Calhoun’s published papers in which he places such reliance on the South, he wrote:

I rejoice to learn, that Virginia is perfectly sound [that is, reliably anti-Adams]. . . . There can be no reaction in favour of liberty in the present state of our country, which does not come from the slave holding States, headed by Virginia and sustained by Pennsylvania. This the coalition doubtless understand . . . [so] I anticipate the renewal of the Missouri question. If I mistake not, it has already commenced.

In an attempt to divide the opposition, one of Clay’s lieutenants in the House had referred to slavery in the District of Columbia as “the only

⁷¹Charles Catlett to Philip Fendall, October 17, 1826, Philip Richard Fendall Papers, explains how: Calhoun had used the word “illy” both in a published speech and in the first “Onslow” letter. See the text at n. 8 above.

⁷²“Patrick Henry” to the Editor of the Washington, D.C. *National Journal*, June 7, 1826, *The Papers of John C. Calhoun*, vol. 10, pp. 113–27.

form in which the question can be brought under discussion in Congress, free from decisive Constitutional objections.”⁷³

Calhoun set his new line of thought before the public in “Onslow’s” June 27, 1826, letter. “Patrick Henry,” said “Onslow,” always favored concentrations of power “in the fewest and least responsible hands.” Why had he devoted so much attention to Senate rules and Parliamentary precedents when, in the end, he would rely on the vice president’s fiat? The Constitution explicitly gave the Senate the power to establish its own rules. How, then, could the vice president interrupt when senators did not want him to? “Whatever right the Vice-President possesses over order, must be derived from the Senate. . . . I affirm that, as a presiding officer, he has no inherent power whatever.”

Calhoun had espied monarchical tendencies, and he meant for the public to notice them:

There was a time when minions of power thought it monstrous, that all of the powers of rulers should be derived from so low and filthy a source as the People whom they governed. “A deeper and holier foundation” [“Patrick Henry’s” words] of power was sought, and that was proclaimed to be in the “inherent” divine “right of rulers.”

Further, he argued, inherent powers are powers that are necessary to the office; the fact that no other legislative president held this power inherently proved it was not essential to the office.

Calhoun did not think the driving motive of “Patrick Henry’s” allies was to undermine public liberty; rather, he believed their thirst for the sweet nectar of emoluments and honorifics had led them to plot to retain office by corrupt means.⁷⁴ Freedom of debate was the first bulwark against such men, and to do away with it would be to take a long step toward despotism. Restoration of party rivalry (which Calhoun would ever oppose⁷⁵) might return the vice presidency to the president’s

⁷³Calhoun to Littleton Tazewell, June 13, 1826, *The Papers of John C. Calhoun*, vol. 10, pp. 128–29. Also see Calhoun to Micah Sterling, September 20, 1826, *The Papers of John C. Calhoun*, vol. 10, pp. 204–5; Calhoun to Littleton Tazewell, April 1, 1827, *The Papers of John C. Calhoun*, vol. 10, pp. 282–83; Calhoun to Littleton Tazewell, July 1, 1827, *The Papers of John C. Calhoun*, vol. 10, pp. 292–94.

⁷⁴This is what Nathaniel Macon, an “Old Republican” leader, also feared. See Risjord, *The Old Republicans*, pp. 254–55.

⁷⁵Freehling, “Spoilsmen and Interests in the Thought and Career of John C. Calhoun,” *passim*.

control, thus bringing Senate debate under the same control and "shielding his conduct from investigation": "The Senate would speedily sink into a body to register the decrees of the President, and sing Hosannas in his praise, and be as degraded as the Roman Senate, under Nero."⁷⁶

"Onslow's" earlier reference to the Sedition Act was calculated to bring to mind unhappy memories associated with President Adams's family, an effort he repeated in his reference in his June 29 letter to the attempt to make the common law part of federal law.⁷⁷ "Patrick Henry" had provided him ammunition via an assertion that rules of the House of Commons were binding in the Senate. "Onslow" scored additional rhetorical points by pointing out that in defending Dickerson, "Patrick Henry" was standing up for a senator who was "not conscious of any injustice having been inflicted." "Onslow's" most powerful rhetorical move of the whole debate may have been in his answer to "Patrick Henry's" complaint about Calhoun's use of his power to assign senators to committees. Taking one committee at a time, "Onslow" defended each appointee to whose appointment "Patrick Henry" had objected by name. This was a rhetorical move "Patrick Henry" could not answer without offending the senators in question and thereby damaging the Adams administration.

Randolph, "Onslow" continued, had been in Congress for a quarter of a century. He had always been mercurial, always biting. Not once had any speaker of the House or vice president, including Henry Clay, interrupted him because of the nature of his statements. Randolph had been equally severe toward the three preceding presidents; the novel element in the equation was that Adams and Clay did not intend to brook dissent.⁷⁸

"Patrick Henry" ultimately proved overmatched in the battle of wits. From that point on, he engaged mainly in a series of word games, verbal feints that could not possibly persuade the unpersuaded. His position was inherently unappealing: although he might attribute the

⁷⁶"Speech on the Power to Call to Order-Senate," February 12, 1828, *Papers of John C. Calhoun*, vol. 10, pp. 346-48.

⁷⁷Once again, Calhoun distinguished between his behavior as president of the Senate, where he had stood for power in the many, and "Patrick Henry's" position. The common law was judge-made law, a feudal vestige more appropriate in principle to England than to America.

⁷⁸"Onslow" to "Patrick Henry," June 29, 1826, *The Papers of John C. Calhoun*, vol. 10, pp. 147-55.

delegation of power to the agency of the people, it appeared that he wanted that power to be essentially unaccountable. He had no answer to "Onslow's" point about the possibility of presidential control over the vice president.

In his August 8, 1826, column, "Patrick Henry" took the untenable position that the administration had a right to expect each Senate committee to include a pro-administration majority. Calhoun's appointments had been reflective of the Senate's actual make-up, and that galled "Patrick Henry."⁷⁹ It is almost as if he wanted to lose the debate in the court of public opinion. "Onslow" would soon characterize this notion as "not less slavish than absurd."⁸⁰

Finally, Calhoun settled on a basically sectional explanation of events. Clay was to blame for a resuscitation of the 1798–1800 contest; Adams, "like a ball on a plane, which may easily be moved in any direction," was his dupe. The Federalists' principles, though bad, had been better than the administration's, which combined the personnel of "the old Federal party of '98 and the barg[a]in and sale party of the West. That is the real union," Calhoun wrote.⁸¹ The opposition resembled "Brutus, Cato, Hampden, Washington, and Jefferson."⁸²

As the debate raged, Calhoun's assurance of victory over Adams and Clay, along with his confidence in his own and his section's righteousness, grew.⁸³ So did his belief that grasping politicians would attempt to drum up sectional animosity. Never had American institutions been so endangered, he argued, even in the days of Federalism; a loss in the 1828 election would leave the Executive predominant. Yet,

⁷⁹"Patrick Henry," August 8, 1826, *The Papers of John C. Calhoun*, vol. 10, pp. 188–97.

⁸⁰Where, he asked, would that have left the opponents of the Stuarts? "Onslow" to "Patrick Henry," October 12, 1826, *The Papers of John C. Calhoun*, vol. 10, pp. 223–32.

⁸¹"To Levi Woodbury 'Confidential,'" September 21, 1826, *The Papers of John C. Calhoun*, vol. 10, pp. 205–7.

⁸²"Onslow" to "Patrick Henry," October 12, 1826, *The Papers of John C. Calhoun*, vol. 10, pp. 223–32.

⁸³Calhoun to Micah Sterling, December 16, 1826, *The Papers of John C. Calhoun*, vol. 10, pp. 237–38; Calhoun to Lt. James Colhoun, December 24, 1826, *The Papers of John C. Calhoun*, vol. 10, pp. 238–40; Calhoun to Virgil Maxcy, January 14, 1827, *The Papers of John C. Calhoun*, vol. 10, pp. 251–52.

the South, the nation's hope, daily became more united; the Northern coalition could attempt to exploit the slave question, but Pennsylvania would not be swayed; the opposition would triumph.⁸⁴ Calhoun's growing sense that he and his friends would win led him to conclude his last "Onslow" letter with a challenge to "Patrick Henry": why not debate the merits of Adams's/Clay's ascension, the principle of which would have legitimated the selection of Burr over Jefferson in the House in 1800? "Patrick Henry" never responded.

PORK BARREL POLITICS AND SECTIONALISM

From Calhoun's perspective, one of the most deleterious effects of Clay's cabal on the American political system was its open promotion of what we today call "pork barrel" politics. This tactic, Calhoun realized, was useful in building (corrupt) coalitions; it was also bound to have disparate effects, its beneficiaries being those parts of the country whose (corrupt) politicians played the game, and its victims those whose (virtuous) representatives refused. This problem haunted Calhoun through the rest of his career.⁸⁵

Since the growing popularity of General Jackson seemed destined to put the problem to rest, Calhoun was temporarily at ease over the matter. Little did he know, however, that Jackson's election would bring in its train the domination of Martin Van Buren's Democratic Party; indeed, Calhoun would one day see Van Buren as the ultimate spoilsman. For now, he could toast, "The Union of the States: Founded on the principles of Reason and Justice—its preservation requires an equal participation, in all parts, of its benefits and its burdens."⁸⁶

Calhoun increasingly believed that Madison had been wrong: extension of the sphere did not necessarily—by multiplying the interests vying for federal government favor—guarantee that no one interest would ever face a hostile majority for long. When Pennsylvania's pro-tariff faction called a convention in Harrisburg in late 1827, he wrote

⁸⁴Calhoun to Bartlett Yancey, January 14, 1827, *The Papers of John C. Calhoun*, vol. 10, pp. 252–53.

⁸⁵For the effects on Calhoun's mature political theory, see Freehling, "Spoils-men and Interests in the Thought and Career of John C. Calhoun," pp. 25–42. In this, as in many other things, Calhoun came after 1824 to be firmly in the intellectual tradition of John Taylor of Caroline.

⁸⁶"Speech at a Dinner for Romulus Saunders," March 10, 1827, *The Papers of John C. Calhoun*, vol. 10, pp. 277–78.

to Tazewell that the American Constitution protected “the *constituents against rulers*,” but did not provide for “the *protection of one portion of the people against another*.” What was being hatched in Harrisburg was a permanent, selfish taxation of one part of the country for the benefit of another—exactly what Calhoun’s 1817 Bonus Bill had been intended to avert. “I deeply fear,” Calhoun continued, “that the simple alternative of submission, or resistance will be presented to the oppressed.”

State veto and the repeal of Section 25 of the Judiciary Act of 1789, which provided for appeal of state court decisions to the federal courts, were possible remedies;⁸⁷ as it stood, the states had no check on federal government mis/malfeasance.⁸⁸ Clay had conceived a system which the North and West would never have any (selfish) motive to abolish, leading Calhoun to write “Dissolution or tyrann[ny] is approaching.”⁸⁹ These views were not merely for public or political consumption (Tazewell, recall, was a Virginia senator), for Calhoun repeated them in a letter to his nephew.⁹⁰

Calhoun had long been concerned lest internal improvements descend from national to local in benefit. Thus, from his position in the Monroe Cabinet, he had opposed federal support of intrastate improvements. This position was unaltered, perhaps strengthened, by his views of the Adams administration.⁹¹ The downturn in the South

⁸⁷Calhoun to Bartlett Yancey, July 16, 1828, *The Papers of John C. Calhoun*, vol. 10, p. 401, shows that Calhoun based this notion on the writings of James Madison. “The Virginia Report and resolution in ’98 are conclusive,” he said, on the authority of the states to veto. See also Kevin R. [Constantine] Gutzman, “A Troublesome Legacy: James Madison and ‘The Principles of ’98,’” *Journal of the Early Republic* 15 (Winter 1995), pp. 569–89.

⁸⁸This notion is most cogently expressed in Calhoun to John McLean, October 4, 1828, *The Papers of John C. Calhoun*, vol. 10, pp. 426–28.

⁸⁹Calhoun to Littleton Tazewell, August 25, 1827, *The Papers of John C. Calhoun*, vol. 10, pp. 300–2. The tariff *had* to be removed, or “a shock at no long interval may be expected.” Worse, party feeling (a sectional party?) must follow. Calhoun to James Monroe, July 10, 1828, *The Papers of John C. Calhoun*, vol. 10, pp. 398–400.

⁹⁰Calhoun to Lt. James E. Colhoun, August 26, 1827, *The Papers of John C. Calhoun*, vol. 10, pp. 302–5.

⁹¹“Speech on Internal Improvements,” April 10, 1828, *The Papers of John C. Calhoun*, vol. 10, pp. 370–72.

Carolina economy (which affected the Lord of Fort Hill as much as anyone) must have impressed upon Calhoun the urgency of the anti-Adams cause.⁹²

Calhoun's opposition to the Adams administration should not be mistaken for opposition to the Union, however. When Dr. Cooper called for calculation of the Union's value, Calhoun and, he guessed, the vast majority of Southerners, objected.⁹³ Yet, he did note that Cooper's talk could have a positive effect: it would probably make tariff proponents reconsider their position.⁹⁴

CONCLUSION

The Calhoun who wrote the "South Carolina Exposition" had much in common with the Calhoun who was a South Carolina War Hawk in 1812. Each was devoted to the American republic as he understood it. Each was ready to take bold, even reckless, steps as the situation demanded. Each was prone, as Henry Clay remarked, to see a crisis in situations which seemed much less dire to many of his contemporaries.

In 1812, the "crisis" Calhoun addressed was that of the Union's existence, of an external threat to the legacy of the Founding Fathers (including his own father). The events of 1824 raised in Calhoun's mind the specter of a threat to the republic from within, of a new mode of politics threatening the Founders' republicanism. After the "Corrupt Bargain," only the South seemed to have that old-time virtue.

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⁹²See Calhoun to Micah Sterling, June 29, 1828, *The Papers of John C. Calhoun*, vol. 10, pp. 391–92 (The South sees the tariff as "the real source of the their [sic] present embarrassment, and I may, add impoverishment"); Calhoun to Andrew Jackson, July 10, 1828, *The Papers of John C. Calhoun*, vol. 10, pp. 395–97.

⁹³Calhoun to John McLean, July 10, 1828, *The Papers of John C. Calhoun*, vol. 10, pp. 397–98.

⁹⁴Calhoun to Samuel Ingham, October 28, 1827, *The Papers of John C. Calhoun*, vol. 10, pp. 311–12.

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CALHOUN, SECTIONAL CONFLICT, AND MODERN AMERICA

by H. Lee Cheek, Jr.*

During the sectional crisis, the overwhelming practical and theoretical inheritance that nourished the Southern worldview was built upon an appreciation of the necessary limitations of social and political life. Primary among the means of limitation was the need for societal and personal restraint when faced with the possibility of radical transformation.¹ While change and social mobility were not the most commonly acknowledged aspects of Southern society, neither were they beyond the pale of possibility.

John Caldwell Calhoun, perhaps the most probing and insightful thinker of this generation, presented an Aristotelian mean as the basis for installing an element of restraint in the operation of government. If government could not be restricted, the populace's role in governing would be greatly diminished, and the regime would necessarily lose a sense of legitimacy. This essay will explicate Calhoun's critique and its significance for contemporary politics and society.

While maintaining a lifelong appreciation of voting and majority rule, Calhoun also acknowledged their limitations. As he had noted years earlier to his friend Virgil Maxcy, "We have much to learn in

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¹Calhoun's complex understanding of the role of slavery as a "political institution" within Southern society cannot be separated from his defense of communal life. See John C. Calhoun to Richard Packenham, *The Papers of John C. Calhoun* (Columbia: University of South Carolina Press, 1981), vol. 18, p. 278.

political science. The rule of the majority & the right of suffrage are good things, but they alone are not sufficient to guard liberty, as experience will teach."²

THE CONCURRENT MAJORITY

Instead of endorsing purely abstract notions of majority rule and voting, Calhoun preferred to define both within a historical context. His use of the historical should be appreciated as an attempt at refining and explaining the importance of the founding principles within a distinctively nineteenth-century framework. Regardless of the political system, those who assume the reins of government need certain restrictions. In presenting his recapitulative theory of politics, Calhoun expanded upon his earlier work on the "organism" that promoted such restraint within the polity. He also employed myriad titles to describe this quality of restraint: the concurrent voice, the sense of the community, and, most prominently, the concurrent majority.

As both a theoretical and practical means of encouraging consensus, securing liberty, promoting the diffusion of power, and, ultimately, ensuring the regime's survival, the concurrent majority was what Calhoun considered the pre-eminent American contribution to political thought. However, the hegemonic forces that controlled the general government had supplanted the concurrent majority; the Jacksonian democratic dream had become the American political nightmare. A steady concentration of political power in the general government, increasing social and regional hostilities resulting from the quest for control, and the debasement of popular rule were, to Calhoun, ominous signs of the future awaiting the nation:

As the Government approaches nearer and nearer to the one absolute and single power, the will of the greater number, its actions will become more and more disturbed and irregular; faction, corruption, and anarchy, will more and more abound; patriotism will daily decay, and affection and reverence for the Government grow weaker and weaker, until the final shock occurs, when the system will rush to ruin, and the sword take the place of the law and constitution.³

²Calhoun to Virgil Maxcy, August 6, 1831, *The Papers of John C. Calhoun*, vol. 11, p. 451.

³Calhoun, "Speech in Support of the Veto Power," February 28, 1842, *The Papers of John C. Calhoun*, vol. 16, p. 149.

Calhoun's efforts to recover the concurrent majority suggest a vigilant desire to return to the original understanding of liberty and authority within the American political tradition. Such a mission depended upon "dividing and distributing the powers of government" and supplying each "division" with "either a concurrent voice in making and executing the laws or a veto in their execution."⁴ Reviving the concurrent majority in American politics was (and remains) primarily an effort at restoration and preservation. Ironically, many proponents of the diffusion of authority, especially American conservatives, have failed to recognize the importance of Calhoun's insight for contemporary political science. In some cases, these critics have unfortunately misrepresented Calhoun's valued contribution to the American political tradition for the purpose of their own temporal political gain.⁵

The concurrent majority was neither an invention based upon Enlightenment notions nor a purely mechanistic "device" to protect Southern political and economic concerns.⁶ Instead, it served as the

⁴John C. Calhoun, *A Disquisition on Government*, in *Union and Liberty: The Political Philosophy of John C. Calhoun*, ed. Ross M. Lence (Indianapolis, Ind.: Liberty Fund, 1992), p. 21.

⁵John O'Sullivan, a former editor of *National Review*, dismissed Calhoun indirectly as responsible for "the emergence of legal theories, in the writing of Lani Guinier et al., that would revive 'fancy franchises' and 'concurrent majorities' on the underlying assumption that minorities and majorities are not continually forming and reforming on different issues, but permanently frozen along ethnic and racial lines." John O'Sullivan, "Mistaken Identities," *National Review* (November 25, 1997), pp. 50–56.

Some reputedly conservative critics of Calhoun have argued that he de-railed American political thought. In a published letter, Harry Jaffa suggested: "Do I not bring philosophy down from the heavens and into the city—making it practical and political—when I demonstrate by my critiques of Kendall, Bradford, and Wills, that their doctrines are merely varieties of Confederate doctrine, and that the vital center for their beliefs is derived from John C. Calhoun? Do I not do that even more profoundly, when I show that the 'Marx of the Master Class' is not, in the crucial respect, so very different from Marx himself, since the proslavery attack on free society, and the Marxist critique of capitalism, closely coincide?" Harry Jaffa, *American Conservatism and the American Founding* (Durham, N.C.: Carolina Academic Press, 1984), p. 136.

⁶Wilson Carey McWilliams's description of Calhoun's work as "entirely based on Enlightenment concepts" serves as a representative example of the widespread failure to appreciate the depths of Calhoun's political thought. See

most “republican” element in the American constitutional and political tradition, establishing a system of government predicated upon popular rule rightly constituted.⁷ However, it was not a panacea for resolving America’s political crises—Calhoun consistently argued that the concurrent majority was a stopgap measure only to be exercised until a more substantial constitutional consensus of three-fourths of the states could be secured.

THE CONCURRENT MAJORITY AND THE CONSTITUTION

The combination of the concurrent majority (or voice) and voting produced genuine constitutional and popular rule; however, voting alone could never provide stable popular rule. As the foundation of republican government, popular rule must acknowledge other means of recognizing preferences among the citizenry than voting by simple plebiscite. Appropriately, Calhoun argued that concurrent measures were already present in the American constitutional structure and clearly operating during the formative period of political union. The original American Constitution abounds with examples of measures designed to counterbalance the perversion of republican government into plebiscitarianism, or a government of the “simple majority.”⁸

Calhoun’s *Discourse* presents these concurrent features of the U.S. Constitution—including the Senate, the Electoral College, the Supreme Court, and the separation of powers to a degree—as contributing to the original design for popular rule. In presenting this understanding of American politics, Calhoun suggested that the numerical majority could not represent the full character of the republic. Participation was originally encouraged, nurtured, and protected in the political process

McWilliams, *The Idea of Fraternity in America* (Berkeley: University of California Press, 1973), p. 260. Several recent works present useful, although inadequate, challenges to previous scholarship. See James D. Clark, “Calhoun and the Concept of the ‘Reactionary Enlightenment’,” (Ph.D. diss., University of Keele, 1982); and Lacy K. Ford, Jr., “Inventing the Concurrent Majority: Madison, Calhoun, and the Problem of Majoritarianism in American Political Thought,” *Journal of Southern History* 60, no. 1 (February 1994), pp. 19–58.

⁷Calhoun, *A Discourse on the Constitution and Government of the United States*, in *Union and Liberty*, p. 133.

⁸Calhoun, “Rough Draft of An Address to the People of South Carolina,” *The Papers of John C. Calhoun*, vol. 11, p. 273.

through the implementation of the concurrent majority. The recovery of the concurrent majority could rejuvenate participation discouraged by decades of neglect and patronage. The concurrent majority aids the unfolding and augmentation of participation and the interspersing of political power. More importantly, this amalgamation of voting and the concurrent majority provides a basis for offsetting “the tendency of government to oppression and abuse of power; and to restrict it to the fulfillment of the great ends for which it was ordained.”⁹ For Calhoun, the benefits accruing from allowing for thoughtful deliberation and authentic consensus-building outweighed the disadvantages of limiting temporary majorities. Recovering the concurrent majority in union with a disciplined mode of true majoritarian participation offers the possibility of reclaiming popular rule.

ABSOLUTE MAJORITY AND CONCURRENT MAJORITY

Reiterating the centrality of popular rule, Calhoun argued that two competing majoritarian visions exist in American politics: that of the numerical or absolute majority, and that of the concurrent or constitutional majority. Without considering the diversity within the community itself, the numerical majority assesses overall electoral outcome as the only indicator of preference. Numerical majorities are based upon electoral “numbers,” a radical majoritarian understanding of participation that eschews all considerations besides the act of voting itself.¹⁰

Such a conception of popular government requires a unitary vision of politics and the state. It also supposes that the apparatus of voting can resolve all conflict, even profound crises in which no consensus of opinion exists. To its credit, the numerical majority can tabulate the “sense of the greater number; that is, of the stronger interests or combinations of interests, and to assume this to be the sense of the community.”¹¹ Resulting from its “simplicity and facility of construction,” the numerical majority possesses a troubling propensity for reporting cumulative electoral outcomes without regard for the natural divisions of authority.¹²

⁹Calhoun, *A Disquisition on Government*, p. 22.

¹⁰Calhoun, *A Disquisition on Government*, p. 24.

¹¹Calhoun, *A Disquisition on Government*, p. 23.

¹²Calhoun, *A Disquisition on Government*, p. 57. For a more generous reading of the numerical majority's function, see August O. Spain, *The Political*

The numerical majoritarian concept of popular rule also presumes that mankind can participate in governing *en masse*, at every available opportunity, and with the necessary leverage to undertake any possible action. Calhoun's fundamental criticism of this understanding of popular rule suggests that attaining a numerical majority under any circumstance is illusory at best, and utopian at worst. The numerical majority can only function effectively in a political world devoid of geographical and economic divisions and without competing claims upon authority.

In fact, Calhoun argued that this "simple" numerical majority could not sustain authentic popular rule, and was incompatible with a comprehensive appreciation of the concept. Second, if popular rule is predicated upon providing the citizenry with an expedient option to initiate whatever they desire, then popular rule itself must no longer be considered the primary achievement of republican or democratic political theory. Individual and communal assertion and preference, after all, are often prominently associated with other political systems, especially modern authoritarian and totalitarian regimes that discourage true popular rule in any concrete form while professing to represent the actual sentiments of an oftentimes amorphous populace. More importantly, as we begin the twenty-first century, Calhoun's insight provides a guide for understanding and responding to the crisis of a postmodern internationalism that promotes a vulgarized model of popular rule that merely consists of the collection of individual wills and sentiments without regard to the substantial and historical limitations of mankind.

By presenting the limitations of the numerical majority, Calhoun demonstrated that a more inclusive approach is necessary if the true preferences of the citizenry in any political system are to be ascertained. Voting alone, due to its inability to incorporate properly an understanding of the diverse interests that must be considered, cannot assimilate the level of insight necessary for governing.

"INTEREST" AND THE "SENSE OF THE COMMUNITY"

Unfortunately, Calhoun's use of the term "interest" in explaining this aspect of his political thought has diverted scholarly attention from his purpose, and has encouraged numerous academic assessments

that fail to appreciate the meticulousness of his thought. Most of these appraisals attempt to explain Calhoun's use of "interest" as either a means of defending the South and slavery or as the philosophical precursor to contemporary theories of interest group politics.¹³ As a lot, these critiques evidence the influence of contemporary liberal political theory, especially the schema of "possessive individualism."¹⁴ Viewing social and political life as obsessed with the acquisition of wealth and power, "possessive individualism" as a philosophical approach assumes that the desire for personal aggrandizement is primary among man's longings. With antecedents in the thought of Rousseau and Kant, "interest" is viewed as synonymous with human self-determination or the search for autonomy.

Calhoun rejected this narrow view of interest and defended it as an intrinsic manifestation of the body politic, grounded in the community. The natural and evolutionary predilections of the regime ascertained through the most reliable units, the states, deserved protection from the arbitrary exertion of force by the general government against these elements. Viewing diversity within the community as integral to the survival of the country, and as the only practical basis for embodying a totality of concerns, Calhoun echoed Publius's earlier plea for "[t]he regulation of these various and interfering interests" as a primary requirement for American politics.¹⁵ But interest, Calhoun declared, should not be defined as purely individual assertion:

It results, from what has been said, that there are two different modes in which the sense of the community may be taken: one, simply, by the right of suffrage, unaided; the other, by the right through a proper organism. Each collects the sense of the majority. But one regards numbers only, and considers the whole community as a unit

¹³For the former, see Ralph Lerner, "Calhoun's New Science of Politics," *American Political Science Review* 17 (December 1963), p. 931; for the latter, see Peter F. Drucker, "A Key to American Politics: Calhoun's Pluralism," *Review of Politics* 10 (October 1948), pp. 412–26; Darryl Baskin, "The Pluralist Vision of John C. Calhoun," *Polity* 2 (Fall 1969), pp. 49–65; and Peter J. Steinberger, "Calhoun's Concept of the Public Interest," *Polity* 13 (Spring 1981), pp. 410–24.

¹⁴C.B. MacPherson, *The Political Theory of Possessive Individualism* (London: Oxford University Press, 1962); and Baskin, "Pluralist Vision," pp. 51–53.

¹⁵Alexander Hamilton, James Madison, and John Jay, *The Federalist*, ed. George W. Carey and James McClellan (Dubuque, Iowa: Kendall-Hunt, 1990), No. 10 (Madison), p. 45.

having but one common interest throughout; and collects the sense of the greater number of the whole as that of the community. The other, on the contrary, regards interests as well as numbers—considering the community as made up of different and conflicting interests, as far as the action of the government is concerned; and takes the sense of each throughout its majority or appropriate organ, and the united sense of all as the sense of the entire community. The former of these I shall call the numerical or absolute majority; and the latter, the concurrent or constitutional majority.¹⁶

Thus, Calhoun's understanding of interest more closely resembled Publius's than contemporary theories of "interest group" or pluralistic democracy.¹⁷ Publius and Calhoun incorporated similar conceptions of human agency into their appreciation for the decision-making of autonomous or semi-autonomous communities, as well as for the interconnected roles these communities play in addressing the most profound social and political issues that a republic must confront. Instead of relying upon purely private economic and political preferences to synthesize community and regime responses into a composite whole, Publius and Calhoun insisted upon assimilating the deeper, more comprehensive needs of the whole by focusing upon the responses of the communities and the republic in their particularity.¹⁸ A consensus

¹⁶Calhoun, *A Disquisition on Government*, pp. 23–24.

¹⁷As a commentary on his earlier "Fort Hill Address" (1831) and a reminder of his consistency in this regard, Calhoun composed a public letter to South Carolina Governor Hamilton further clarifying his understanding of interests nearly two decades before writing the *Disquisition*: "When, then, it is said, that a majority has the right to govern, there are two modes of estimating the majority, to either of which, the expression is applicable. The one, in which the whole community is regarded in the aggregate, and the majority is estimated, in reference to the entire mass. This may be called the majority of the whole, or the absolute majority. The other, in which it is regarded, in reference to its different political *interests*, whether composed of different classes, of different communities, formed in one general confederated community, and in which the majority is estimated, not in reference to the whole, but to each class or community of which it is composed, the assent of each, taken separately, and the concurrence of all constituting the majority. A majority thus estimated may be called the concurring majority." Calhoun to James Hamilton, Jr., August 28, 1832, *The Papers of John C. Calhoun*, vol. 11, p. 640, emphasis added.

¹⁸Whereas recent scholarship has challenged previous misconceptions regarding the role of interest in *The Federalist*, Calhoun's use of the concept has yet to experience such a needed re-evaluation. See George Carey, *The Federalist*:

might be possible if the distinct preferences of all communities in a regime were considered, but only after much trial and error. An unrefined or less articulate majority serves only to discourage participation, and ultimately it undermines the regime's legitimacy.¹⁹

By merging the "sense" of the communities within a republic into a truer and inclusive majority, a republic could be sustained, Calhoun argued. Concentrating solely upon electoral success, the numerical (or absolute) majority cannot adequately provide such a foundation for popular rule. Instead of clarifying and collecting the "sense[s]" of the diverse communities that comprise a regime, the numerical majority actually misrepresents and overrates the homogeneity of the political environment.

Although exhibiting many other debilitating characteristics, the numerical majority is most deficient in its inability to fully incorporate into the practice of governing an understanding of the preferences and opinions of the populace. If the numerical majority could function as claimed, it would be "a true and perfect model of a popular constitutional government; and every departure from it would detract from its excellence," Calhoun declared.²⁰

However, the numerical majority fails to meet these expectations and should not be confused with the actual majority or genuine popular rule. Calhoun argued that the numerical majority's propensity to consider an incomplete "sense" of the regime as authoritative, "a part over a part," was actually a dangerous perversion of true popular rule.²¹ As such, a government of the numerical majority has a predisposition toward diminishing the concurrent qualities integral to the survival of the regime. The numerical majority naturally benefits from a diminution of concurrent measures; from the perspective of numerical majoritarianism, concurrent elements are an imposition upon the will of the majority. In subjugating the entire republic to the dictates of a questionable collection of votes from elections not predicated upon appraising

Design for a Constitutional Republic (Urbana: University of Illinois Press, 1989); and David F. Epstein, *The Political Theory of The Federalist* (Chicago: University of Chicago Press, 1984).

¹⁹While a political order based upon unanimity is appealing, Calhoun rejected such a possibility because it would prove "impracticable." See *A Disquisition on Government*, pp. 24–25.

²⁰Calhoun, *A Disquisition on Government*, p. 25.

²¹Calhoun, *A Disquisition on Government*.

the regime's complex preferences, the numerical majority threatens to undermine the electoral and constitutional foundations of republican government.

ELECTORAL PARTICIPATION AND GOVERNMENT RESTRAINT

Accordingly, recent scholarship has confirmed that concurrent measures can actually enhance the genuine participation and deliberation vital to popular rule. Roberta Herzberg, for example, argues that Calhoun's "design would result in a decision process more stable than that expected under simple majority rule. Moreover, each interest included in the decision-making process would be protected against any policy change that would make it worse off."²² Against the dire claims of Calhoun's critics, Herzberg suggests that his understanding of popular rule and democratic theory merits reconsideration.

Herzberg's research affirms Calhoun's argument that the electoral and participatory attributes of popular rule suffer as a result of the numerical majority's tendency to identify as the majority whomever votes in a particular election while disregarding the range of responses necessary to canvass the citizenry adequately. Further, the constitutional infrastructure is impaired in its ability to facilitate popular rule when the governmental structure established by such a deficient majority is mistaken for the more commodious "government of the whole" that is provided by the concurrent majority. Finally, the spirit of restraint so essential to the American constitutional and political tradition suffers a devaluation.

Restraint—societal and personal—encourages a tenor of resiliency within the constitutional order by imposing limitations upon a temporally elected majority's ability to assert sovereign authority. Envisioning restraint at the heart of republican government, Publius defined this centrality of purpose in terms of deliberativeness: the operation and power entrusted to government must be diffused or filtered "to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country."²³

²²Roberta Herzberg, "An Analytic Choice Approach to Concurrent Majorities: The Relevance of John C. Calhoun's Theory of Institutional Design," *Journal of Politics* 54 (February 1992), p. 78.

²³*The Federalist*, No. 10 (Madison), p. 47.

For Calhoun, a “simple government, instituted by the states, for their mutual security, and more perfect protection of their liberty and tranquillity” best fulfills this purpose.²⁴ Imbued with societal and personal restraint, this form of government also guards against the impulse of the moment controlling its decision-making, while developing political institutions that mirror those qualities premised upon restraint. It is precisely the inculcation of these habits into social and political structures and the citizenry that define the concurrent majority in action. Not bound by the restraint of the concurrent majority, the numerical majority inadvertently encourages the rise of oligarchic rule. Offering an initially appealing and laudable strategy of providing for a more democratic regime, but without any mode of restraint or resistance, the numerical majority leads to a tyranny of the majority.

There are, of course, measures other than the concurrent majority that are capable of counteracting the numerical majority’s influence, although these choices may function most effectively in tandem with the concurrent majority. A formal, written constitution, establishing parameters for the scope and function of the general government, has always been considered protection against disruptions to the political order. Calhoun maintained a great love for constitutions, especially the American version. The statesman described the Constitution as the greatest manifestation of the citizenry’s understanding of political order.²⁵ A constitution functions as a major source of restraint against the excesses of flawed human reason and promotes liberty through its invocation and nurturing of this restraint among the citizenry.

Relying upon a constitution alone presented a republic with an insurmountable problem: even though governmental authority was formally restricted, the constitutive parts of the regime responsible for constraint were not given “the means of enforcing their observance.”²⁶ In other words, the citizenry and states were presented with the theoretical tools to protect the regime, but not with the necessary pragmatic power of enforcement to complete the task. Influenced by

²⁴Calhoun, “Speech on the Bill to Prevent the Interference of Certain Federal Officers in Elections,” February 22, 1839, *The Papers of John C. Calhoun*, vol. 14, p. 565.

²⁵Calhoun, “Second Speech on Amendments to the Compensation Law,” January 20, 1817,” *The Papers of John C. Calhoun*, vol. 1, p. 393; and “Speech in Support of the Veto Power,” February 28, 1842, *The Papers of John C. Calhoun*, vol. 16, p. 138.

²⁶Calhoun, *A Disquisition on Government*, p. 26.

the sinful impulse, the struggle for control would naturally result in a conflict between the dominant party in charge of government and the weaker party outside of it. Following the prescriptions of a numerical majority, the dominant party would contest any limit on its power. In response, the weaker or minority party's only recourse would be to seek rigid enforcement of all formal restrictions upon authority, resulting in a struggle between the "liberal" and the "strict" constructions or interpretations of the constitution. As a result of the numerical majority's inability to accept any authenticating standard for popular rule other than voting, the dominant party would always control such conflicts, perpetuating the denigration of the minority.

Calhoun's defense of the original constitutional design differed substantially from the current advocacy of "original intent." For Calhoun, the evocative power of the American Constitution was found in its ethical spirit. Simply recovering the Framers' "ideas" will not suffice: only a determined effort to reclaim the ethical worldview and authentic constitutional arrangements for the diffusion of political authority can restore genuine popular rule in America.

THE LIMITS OF POLITICAL DISCOURSE

Calhoun's discussion of majority/minority tensions in the *Disquisition* is less an extended apology for his personal struggles than an explicit recognition of the limits of rational discourse in politics. The numerical majority's success also suggests a crisis of reason within the republic. During Calhoun's career as a statesman, various political movements arose in the country that refused any attempt to understand the nature of politics in a comprehensive manner.²⁷ As the American regime approached the mid-nineteenth century, the increasingly ideological nature of political debate, especially the concept of "immediatism" articulated by the abolitionists, suggested a refusal to depend upon republican political theory, deliberation, and the interchange of ideas to resolve the increasingly divisive political situation.

For Calhoun, this shift marked another attempt, both explicit and implicit, to ignore the limitations of human nature.²⁸ Viewing these

²⁷ Aileen Kraditor, *Means and Ends in American Abolitionism* (1967; reprint, Chicago: Ivan R. Dee, 1989), pp. 178–234; and Eugene D. Genovese, *A Consuming Fire* (Athens: University of Georgia Press, 1998), pp. 3–71.

²⁸ Calhoun also criticized his fellow South Carolinians during the 1844 "Bluffton Movement" for sacrificing principle for expediency. See *The Papers of John C. Calhoun*, vol. 19, p. 525.

movements as potentially dangerous and philosophically untenable, Calhoun described them as extremely misguided: “With more zeal than understanding, [Abolitionism] constantly misconceived the nature of the object regardless of the means, by which it is to be effected.”²⁹ In confronting the political crisis encouraged by Abolitionism, Calhoun continued to defend the standard of original restraint; he affirmed the providential character of social and political existence, as well as the vital nexus between liberty and constitutionalism in American politics. This interrelationship depended upon the Constitution to provide a framework for liberty, but liberty was to be nourished by the diversity of the “authority which created” it, the states, and protected against the numerical majority’s inevitable movement towards hegemony:

To talk of liberty, without a Constitution, or, which is the same thing, an organic or fundamental system of legislation, by which the will of the Government may be effectually coerced or restrained, is to utter ideas without meaning; and to suppose an ultimate power, on the part of Government, to interpret the Constitution as it pleases, and to resort to force, to execute its interpretation, against the authority which created the Constitution itself, is to be guilty of the greatest political absurdity that can be imagined.³⁰

Without the concurrent majority, the Constitution could easily be subverted through the machinations of the dominant party. If combined with the concurrent majority, the constitutional framework could be preserved and prosper as the result of their intended union. Calhoun argued that the reclamation of the American political tradition could come from within: through the implementation of the concurrent majority, the Constitution could provide for the greatest amount of liberty possible, and be fortified against any impediments that the tradition might encounter. The concurrent majority was, as we have suggested, part of the Founders’ design, as seen in the ratification and amending processes. Against the many criticisms of the Constitution, including the Abolitionists’ steady vilification of it as a “pro-slavery compact,” Calhoun defended the document as the greatest testament of the country’s achievement of freedom under law.³¹

²⁹“Report from the Select Committee on the Circulation of Incendiary Publications,” February 4, 1836, *The Papers of John C. Calhoun*, vol. 13, p. 62.

³⁰Calhoun to a Committee in Columbia County, Georgia, September 9, 1833, *The Papers of John C. Calhoun*, vol. 12, p. 170.

³¹This method of dismissing the Constitution was prominent during Calhoun’s lifetime, and is present in contemporary political thought as well. See Wendell

RESTORATIVE FEATURES

Additional measures or devices conceived outside of the same constitutional ethos and aimed at supporting or reforming political and constitutional structures were, in his view, superfluous and usually counter-productive. The most useful correctives were of an iterative quality, according to Calhoun.³² For example, efforts at dividing the function of government into departments (sometimes described during the nineteenth century as the “departmental theory” of politics) for the purposes of improving administration and discouraging the concentration of power could never succeed. Unless the departments were distributed to the nation’s major regions or “communities” with each given a negative check on the other, the dominant party would simply assume control of the departments and the operation of government.³³

Calhoun’s most famous and perhaps least significant proposal for amending the Constitution, a dual presidency, was offered within the larger constitutional framework and not as a modification originating outside of this realm.³⁴ In essence, Calhoun advocated a retrogressive theory of constitutionalism, preferring to locate the restorative features of the tradition within the original “purity” of the document.³⁵

In returning to the Founding as a guide for facing America’s future, Calhoun was influenced neither by a romantic nostalgia for the Founding nor a proceduralism rooted in a faith in measures beyond the Constitution. Instead, a genuine devotion to the republic inspired him. At some junctures, Calhoun seemed to assume a pessimistic posture regarding the future of the Constitution and the American regime. His responses

Phillips, ed., *The Constitution as Pro-Slavery Compact, or, Extracts from the Madison Papers*, 3rd ed., enl. (New York: American Anti-Slavery Society, 1856).

³²Frustrated by perceived inadequacies of the American Constitution, many scholars have proposed “extra-constitutional” measures designed to promote particular interpretations of popular rule, although most are of a plebiscitarian cast. See Robert A. Dahl, *A Preface to Democratic Theory* (Chicago: University of Chicago Press, 1956), pp. 134–35; Claude Lefort, *Democracy and Political Theory*, trans. David Macey (Minneapolis: University of Minnesota Press, 1988), pp. 9–20; and Lani Guinier, *The Tyranny of the Majority* (New York: Free Press, 1994).

³³Calhoun, *A Disquisition on Government*, pp. 27–28.

³⁴Calhoun, *A Discourse on the Constitution and Government of the United States*, pp. 275–77. See Cheek, *Calhoun and Popular Rule*, esp. chap. 1.

³⁵Calhoun, *The Papers of John C. Calhoun*, vol. 15, pp. 28, 354.

to these problems were most typically critiques of prominent efforts to separate the principles of popular rule under the fundamental law as he understood them—namely, the concurrent majority sustained by voting—from each other. If these elements were diminished in some fashion, freeing the numerical majority from constitutional and concurrent restraint, the Constitution would become a “dead letter.”³⁶

POSITIVE AND NEGATIVE AUTHORITY

Amidst the possibility of disorder, with anarchy as the worst outcome, Calhoun reaffirmed the mutual compatibility of the concurrent majority and voting as the essence of genuine popular rule. To provide the most salutary foundation for popular rule, both positive and negative authority are needed.

Positive authority comes via participation. With regard to voting, the numerical majority might assist in a limited way to the process of gauging preferences, although its “simplicity and facility of construction” would eventually prove “incompetent” when required to provide for a complex republic.³⁷ As a positive authority within the political system, voting allows for the establishment of a government by regularly and partially confirming preferences, electing officials, and responding to new circumstances within the country. This positive authority contributes substantially to the regime, supplying government with some of the “power of acting,” or, in other words, supplementing the original design for the public sphere with a spirit of animation.³⁸ As a contribution of positive authority, voting assumes especial importance in a system guided by concurrent measures.

Unlike the numerical majority, the concurrent majority depends upon the citizenry’s regular and sustained participation in decision-making. Instead of concentrating upon simple electoral totals to dictate public policy, a concurrent system values the depth of participation as expressed within the communities forming the regime. Calhoun envisioned the concurrent majority as allowing for an extension of the voting “franchise” to a large portion of the citizenry.

The numerical majority also encourages voting, although it makes no distinction between typologies of interest or communities as the natural subdivisions of the republic. The lack of discrimination and

³⁶Calhoun, *The Papers of John C. Calhoun*, vol. 12, pp. 7, 86.

³⁷Calhoun, *A Disquisition on Government*, p. 57.

³⁸Calhoun, *A Disquisition on Government*, pp. 34–35.

restraint intrinsic to numerical majoritarianism could thwart popular rule. Advocates of the numerical majority are more likely to make way for demagogues or candidates who appeal to the capriciousness of the moment than for leaders with prudence and character.

On the other hand, the concurrent majority gives countenance to the Founders' notion that those elected to office should be virtuous citizens capable of acting responsibly in all matters, and amenable to the needs of the communities they represent. Calhoun anticipated that the concurrent majority would draw upon pre-existing personal restraint and discipline among leaders in various communities, molding people of insight and wisdom to guide the republic. He also believed that some citizens possessed the capacity to lead:

[I]n governments of the concurrent majority . . . mere numbers have not the absolute control; and the wealthy and intelligent being identified in interest with the poor and ignorant of their respective portions or interests of the community, become their leaders and protectors. And hence, as the latter would have neither hope nor inducement to rally the former in order to obtain the control, the right of suffrage, under such a government, may be safely enlarged to the extent stated without incurring the hazard to which enlargement would expose governments of the numerical majority.³⁹

In this regard, the concurrent majority embodies a theory of aristocratic statesmanship, assuming that leaders will exhibit integrity and morality in their daily lives. A theory of concurrent statesmanship requires individual restraint and virtue that will nurture these same qualities in government and in the larger society. The citizenry's opinions and preferences can then be filtered through the leaders, communities, and representative institutions in order to ascertain the "sense" of the republic.

Positive power can establish a government, but it cannot independently sustain the republic. The balance to positive power is the equally vital negative power, the concurrent force behind the Constitution that serves as the most concrete form of restraint in the political order. The negative provides checks against abuse and concentration of power, while at the same time containing a

mutual negative among its various conflicting interests which invests each with the power of protecting itself,

³⁹Calhoun, *A Disquisition on Government*, p. 36.

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and places the rights and safety of each where only they can be securely placed, under its own guardianship.⁴⁰

If “negative power . . . makes the constitution,” then government, as the prudent amalgamation of concurrent measures, combined with voting, will provide the diffusion of power necessary to “take the sense of the community by its parts—each through its appropriate organ—and regard the sense of all its parts as the sense of the whole.”⁴¹ In “making” the constitution, the negative encourages government, society, communities, and individuals to exhibit the restraint necessary to resist the sinful impulse and related quest for control of the public sphere. The negative aids the weaker, albeit important, human propensity to seek the good against the innate “constitution of man which leads those who govern to oppress the governed,” eventually leading to resistance on behalf of the oppressed.⁴²

In providing this contribution, the negative or concurrent element also entails a more inclusive approach to resolving potential conflicts within the republic. Instead of yearning to dictate all decision-making by controlling government, the concurrent majority recognizes and incorporates the natural divisions of authority into a coherent whole through a mode of deliberation premised upon compromise. With the numerical majority (and more absolutist forms of governing), the only path to power is in the domination of government. In an effort to avoid the oppression that must eventually result from such a struggle, the concurrent majority relies upon compromise among the constitutive parts of the republic to ameliorate tension and promote cooperation. Even though compromise may suggest unanimity of opinion as an appealing goal, in reality, such a thorough consensus is improbable.⁴³ The concurrent majority, therefore, offers the best practicable indication and public confirmation of preferences. It contributes substantially to affirming popular rule by depending upon this exchange of ideas among the groups or divisions, furthering the peaceful resolution of conflict. Without such a diffusion of power and interactivity among the parts of the republic, decision-making could lead to conflict and eventual despotism or anarchy. The alternative to the concurrent majority’s reliance on compromise is force, and Calhoun urged the avoidance of conflict whenever possible.

⁴⁰Calhoun, *A Disquisition on Government*, p. 28.

⁴¹Calhoun, *A Disquisition on Government*, p. 29.

⁴²Calhoun, *A Disquisition on Government*, p. 30.

⁴³Calhoun, *A Disquisition on Government*, pp. 50–53.

In presenting his understanding of positive and negative power, Calhoun explained how the concurrent majority served as the greatest theoretical and practical achievement of the American political experience: the government of the concurrent majority implied a sacred obligation to protect the country and provide order. The “voice of the people,” expressed most completely through concurrent means, and united against the sinful impulse, approximated the “voice of God” in this effort to preserve society.⁴⁴

CONCLUSIONS

Relying upon a providential view of social and political life, Calhoun believed that republican government must amount to more than the flux of voting and interest coalitions, political parties struggling to possess the “honors and emoluments” associated with patronage, and the pursuit of power. The numerical majority naturally fosters the rise of two political parties determined to control government. The numerical majority is also guided by the desire to monopolize the perquisites that accompany majority status in the regime. The struggle for superiority between two political parties usually limits and confines participation in government to a portion of the majority party, and ensuing political struggles provoke a movement toward the inevitable “concentration of power” in the general government.⁴⁵ The only remedy against the maladies associated with republican government can be found in the concurrent majority. As Calhoun’s tonic against the devolution of republics into “debased” forms of popular rule, the concurrent majority provides the theoretical and practical ingredients to ensure survival.

Perhaps the most neglected and important contribution of Calhoun’s concurrent majoritarianism concerns the cultivation of moral habits and self-restraint among the citizenry. The concurrent majority, as

⁴⁴Calhoun, *A Disquisition on Government*, p. 31.

⁴⁵Calhoun, *A Disquisition on Government*, pp. 32–33. During his lifetime, Calhoun typically avoided associations with national parties, interpreting their function as self-preservation. See *A Discourse on the Constitution and Government of the United States*, p. 218. The possibility of a party that would embody the agrarian concerns of a large portion of the nation, or at least the South, was, however, occasionally appealing to the statesman. See Calhoun, *The Papers of John C. Calhoun*, vol. 15, p. 172; and John C. Calhoun, *The Works of John C. Calhoun* (New York: D. Appleton, 1853–55), vol. 4, p. 394.

we have argued, assists a republic in resolving disputes, and, thus, “tends to unite . . . and to blend the whole in one common attachment to the country.”⁴⁶ The spirit of compromise reduces tensions and encourages “each portion to conciliate and promote the interests of the others . . . towards purifying and elevating the character of the government and the people, morally as well as politically.”⁴⁷

This attribute becomes even clearer when viewed in light of the numerical majority’s shallowness in relation to the complexities and profound dilemmas of politics. With its goal of controlling government at any cost, it must remain more devoted to political party than to any other objective, including the survival of the republic. In other words, political success becomes synonymous with electoral success. It follows that the numerical majority contains no impediment against the drive for control, or what we might describe as political egotism. The conflict and struggle for power it fosters further defines the numerical majority. This egotism, or unbridled self-interest, is the predominant characteristic of the plebiscitarian or simple democratic variety of popular rule.⁴⁸

Against the egotistic urge, the concurrent majority’s promotion of the diffusion of authority remains of vital importance, but its capacity for encouraging self-restraint is potentially even more significant. Pre-disposing individuals at home and in local associations to practice self-restraint and moral leadership will benefit communities in general and society as a whole and eventually impact the government.

Calhoun’s work as a statesman and political theorist encouraged a return to the original diffusion of political authority and authentic popular rule. He was a systematic political thinker in the larger Western tradition that ennobles liberty grounded in personal restraint, and is a figure of significance to a larger audience because he frames this theory of politics and conflict resolution as an alternative to political partisanship and superficiality. For Calhoun, restraint and concern for the common good were more important than the perpetuation of any

⁴⁶Calhoun, *A Disquisition on Government*, p. 37.

⁴⁷Calhoun, *A Disquisition on Government*, pp. 38–39.

⁴⁸Egotism of this sort may also be associated with Thomas Hobbes, although recent studies have aptly presented him as a defender of self-interest as well as the commonwealth in opposition to “political disintegration.” See David Walsh, *The Growth of the Liberal Soul* (Columbia: University of Missouri Press, 1997), p. 114.

particular regime or political party.⁴⁹ In recovering Calhoun's theoretical contributions, the limits of the hegemonic state are more easily appreciated, critiqued, and challenged.

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⁴⁹"I would do any thing for Union, except to surrender my principles," in Calhoun to B[olling] Hall, February 13, 1831, *The Papers of John C. Calhoun*, vol. 11, p. 553.

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A MORAL ACCOUNTING OF THE UNION AND THE CONFEDERACY

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What it means to be an American, both for Americans and foreigners, is largely determined by one's attitude toward the war to defeat Southern independence in 1861–65. More books have been written about this war than about any other event in secular history, and they continue to pour forth. It has been a war to conjure with. To Americans, at least, it has seemed pregnant with transcendent, mythical, and theological meanings. What meaning can libertarians find in that great struggle?

Southerners argued that they were fighting for *liberty*, particularly the liberty to govern themselves. They placed the Southern states' secession on the same moral plane as the American colonies' secession from Great Britain a generation or two before (the fathers of Robert E. Lee and Jefferson Davis had been officers during the Revolutionary War). The Great Seal of the Confederacy contains an equestrian statute of secessionist George Washington.

Libertarians, I argue, should morally identify with the Confederacy's struggle for independence, and therefore redirect historical research and the writing around the moral propositions that the 1860 dismemberment of the Union by peaceful secession was morally sound, and that the North's invasion to prevent secession and to create a consolidated American state was morally unsound.

WAS THE MORAL PROBLEM SLAVERY OR RACISM?

Libertarians are and must be sympathetic to secession, for secession is nothing other than an exit right, a right internal to the very idea of liberty.

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Secession is not always justified, but, for libertarians, it is presumed morally justified unless compelling reasons to the contrary exist.

The reason why the secession of the Southern states has not generally been accorded this moral presumption is twofold. First, the founding myth of American nationalism is that the South seceded to protect slavery while the North invaded to abolish it. The vast resources available to the central government and its cultural elites have been used to drum this "Battle Hymn of the Republic" myth into the public consciousness for over a century. This myth, however, is false.

Still, a second barrier remains, for slavery was legal in the South and not in the North. How can we take seriously the moral claim of Southerners that they seceded in order to govern themselves when they did not extend the right of self-government to blacks? One is reminded of Dr. Johnson's irritation at the American colonists who threatened secession from Britain: he wondered why he had to hear constant yelps about liberty from the drivers of slaves. It is impossible not to feel the force of this argument, and we must acknowledge that slavery was a moral stain on the seceding American colonies, all of which allowed slavery in 1776, as well as on the seceding Southern states, all of which allowed slavery in 1861.¹

But slavery is not the only moral wrong in the world, and its presence does not make other actions automatically immoral, nor opposing actions automatically moral. If the American colonies and the Southern states had a moral right to secede and govern themselves, then the invasions to suppress secession were morally reprehensible. This was even more true in the Southern case than in the colonial case. First, Southerners gave a *legal* argument for secession that was not available to the colonists.² Second, unlike the British, the North, in order to win, abandoned the code of civilized warfare by directing war against civilians. Sherman knew that, under the legal code of warfare taught at West

¹See Woody Holton, *Forced Founders* (Chapel Hill: University of North Carolina Press, 1999), who argues that threats by British authorities to emancipate and use slaves against the colonists partially motivated colonial secession.

²See James Ostrowski, "Was the Union Army's Invasion of the Confederate States a Lawful Act? An Analysis of President Lincoln's Legal Arguments Against Secession," and Donald W. Livingston, "The Secession Tradition in America," in *Secession, State and Liberty*, ed. David Gordon (New Brunswick, N.J.: Transaction Publishers, 1998).

Point, he was guilty of war crimes punishable by death.³

Had the British invasion of the colonies, or the Northern invasion of the Confederacy, been launched with the intention of eliminating slavery, they might have had some appearance of morality. But neither invaded for that purpose. The British were still engaged in the slave trade, and the Northern-dominated Congress (with Lincoln's support) passed an ironclad amendment to the Constitution protecting slavery *forever* in the States where it was legal. If the Southern states had stayed in the Union, slavery would have lasted until they saw fit to abolish it.⁴

From this alone, it appears that slavery was not the central cause of either the South's secession or the North's invasion. And this raises the question of how, from a *moral* point of view, we are to understand the relation of slavery to secession and its violent suppression. There was almost universal agreement among antebellum Americans, North and South, as to the moral status of slavery. Most agreed that, abstractly considered, slavery was immoral, but that it must be suffered out of practical necessity. Larry Tise has called this the "negative pro-slavery" argument, and has shown that it was first developed not by Southerners but by late-eighteenth-century Northerners responding to Samuel Johnson-type criticisms from Europeans after Americans had gained their independence.⁵

Even John C. Calhoun's claim that slavery was a "positive good" was not the radical doctrine, hitherto unknown in America, that historians have tirelessly claimed. Calhoun carefully separated the question of slavery "in the abstract," as Southerners called it, from slavery as a practical question. He tried to make clear that his point was only about the latter, and that under the institution, the African population had made remarkable progress and was capable of further improvements. He called the institution an "experiment," which should be given a period of time, and he put no limit on the improvements of which Africans were capable.

³On Sherman as a war criminal, see Charles Adams, *When in the Course of Human Events: Arguing the Case for Southern Secession* (Lanham, Maryland: Rowman & Littlefield, 2000), pp. 109–25.

⁴Mark Brandon, *Free in the World: American Slavery and Constitutional Failure* (Princeton, N.J.: Princeton University Press, 1998).

⁵Larry Tise, *Proslavery: A History of the Defense of Slavery in America, 1701–1840* (Athens: University of Georgia Press, 1987).

But what was this universal practical necessity that forced the acceptance of slavery? It was, in a word, white European supremacy. Nearly all Americans, North and South, saw America as a white European polity, and held that neither Indian nor African populations would ever participate as social and political equals. Indians had land in the West, but Africans, being dispersed, had to be managed. As long as it was humane, slavery was considered a reasonable and productive arrangement for both blacks and whites. Thus, the tolerance of slavery can be viewed as the practical outcome of a white Euro-centric mindset.

THE NORTH SEEKS TO FREE ITSELF OF AFRICANS

Northern manumission laws were designed to rid the North of its African population. However, actual slaves were not freed; rather, those born after a certain date would be emancipated upon reaching a prescribed age. This was, in effect, a form of compensated emancipation that enabled the slave owners to employ the labor of the young, and then sell them before the year of emancipation. By 1860, the formerly great slave-trading state of Massachusetts had reduced its African population to around one percent. In many states, a period of apprenticeship accompanied emancipation. New Jersey abolished slavery, but only after defining those freed as apprentices-for-life.⁶

Most Northern states passed laws prohibiting or severely restricting the entrance of “free blacks.” Free blacks were shut out of New Jersey, and Massachusetts prescribed flogging for nonresidents who stayed longer than two months. Ohio, at one time, passed a law expelling the entire black population.⁷ A number of states erected *constitutional* barriers to the entrance of free blacks. The language of Oregon’s constitution was typical:

No free negro, or mulatto, not residing in this state at the time of the adoption of this constitution, shall ever come, reside, or be within this state, or hold any real estate, or make any contract, or maintain any suit therein; and the legislative assembly shall provide by penal laws for the removal by public officers of all such free negroes who shall bring them into the state, or employ or harbour them therein.

⁶Ann Norton, *Alternative Americas* (Chicago: University of Chicago Press, 1986), pp. 226–28.

⁷Norton, *Alternative Americas*, p. 228.

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Indiana's constitution prohibited free blacks with almost identical wording. Illinois once allowed free blacks to enter, but only if they posted a bond of \$1,000 each. After 1848, white supremacy became even more insistent in some Northern and Western states. Illinois changed its constitution in 1848 to absolutely exclude the further entrance of free blacks, followed by 1853 legislative enactments enforcing the ban. Oregon's constitution banning the entrance of free blacks passed by a vote of eight to one in 1857.

Once in a Northern state, blacks were tightly managed. The Illinois revised statutes of 1833 declared:

If any person or persons shall permit or suffer any . . . servant or servants of colour, to the number of three or more, to assemble in his, her, or their out-house, yard, or shed, for the purpose of dancing or reveling, either by night or by day, the person or persons so offending shall forfeit and pay a fine of twenty dollars.

And it was the duty of all "coroners, sheriffs, judges, and justices of the peace" who learned of such assemblages to commit the

servants to the jail of the county, and on view of proof thereof, order each and every such . . . servant to be whipped, not exceeding thirty-nine stripes on his or her back.⁸

LINCOLN ON THE RIGHTS OF BLACKS

Because Lincoln supported oppressive black codes in his home state of Illinois, never objecting to them throughout his career, that state's laws are worth pondering. Once in Illinois, blacks were not citizens; they could not vote, serve on juries, testify against whites in court, or intermarry with whites. Further, blacks were forced to pay taxes for a public school system that excluded their children. Lincoln voted for and supported these laws because he did not believe that free blacks should ever have social and political equality with whites. He held this position throughout his career, repeating it publicly everywhere in language that cannot be disguised. In one of the debates with Stephen Douglas, September 18, 1858, he declared:

I will say then that I am not, nor ever have been in favor of bringing about *in any way* the social and political equality

⁸Quoted in Tol. P. Shaffner, *The War in America* (London: Hamilton, Adams, 1862), pp. 337–38.

of the white and black races, that I am not nor ever have been in favor of making voters or jurors of negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will *forever* forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race.⁹

As his career shows, Lincoln meant every word of this. He voted against black suffrage in his first year in the Illinois legislature. He refused to sign a petition from a black “friend” of his requesting that blacks be allowed to testify in court. During his undistinguished and only term in Congress, he voted against abolishing the slave trade in the District of Columbia. Against enormous pressure from friends and foes alike, he adamantly refused to use blacks as troops during the war until Congress forced him to do so. And when they were used, he insisted on paying them \$7 a month while whites received \$13. Near the end of the war, moreover, Lincoln helped draft the new constitution of Louisiana. In it, he refused to acknowledge black citizenship and suffrage in Louisiana, even for black Union veterans, just as he had always publicly opposed granting citizenship to blacks in his own state. He relented only under pressure from Congress.¹⁰

Throughout his career, since he found equality impossible, Lincoln was opposed to universal emancipation as being an evil greater than slavery itself.

What then? Free them all, and keep them among us as underlings? Is it quite certain that this betters their condition? . . . What next? Free them, and make them politically and socially, our equals? My own feelings will not admit of this; and if mine would, we well know that those of the great mass of white people will not. Whether this feeling accords with justice and sound judgment, is not the sole question, if indeed, it is any part of it. A universal feeling, whether well or

⁹Abraham Lincoln, *Abraham Lincoln, Speeches and Writings, 1832–1858*, ed. Don E. Fehrenbacher (New York: The Library of America, 1989), pp. 636–37, italics added.

¹⁰Lerone Bennett, *Forced into Glory* (Chicago: Johnson Publishing, 2000), pp. 53–54, 602–4, and chap. 5.

ill founded, can not be safely disregarded. We can not, then, make them equals.¹¹

LINCOLN'S SOLUTION

What, then, was the *moral* solution to the problem of an alien population never to be socially and politically integrated into the polity? Lincoln confessed that he was blocked at every turn in thinking of one: "If all earthly power were given to me, I should not know what to do, as to the existing institution."¹² Unlike contemporary Americans who have inherited the "Battle Hymn of the Republic" view of a demonic South and virtuous North, Lincoln understood slavery as a national evil inherited from British colonial practice. The Northeast conducted a vast slave trade and acquired much wealth by supporting the plantation system in the West Indies. Duncan Rice observes that without the slave trade and "the opportunity to sell their wares as supplies for the Caribbean slave owners, it is hard to imagine the rise of New England or New York commerce."¹³

Accordingly, in the debate with Douglas, Lincoln acknowledged the common moral understanding of Northerners and Southerners on the question of slavery. On August 21, 1858, he said,

Before proceeding, let me say I think I have no prejudice against the Southern people. They are just what we would be in their situation. If slavery did not now exist amongst them, they would not introduce it. If it did now exist amongst us, we should not instantly give it up. This I believe of the masses of the north and south. . . . When southern people tell us they are no more responsible for the origin of slavery than we, I acknowledge the fact.¹⁴

Lincoln makes three important points here. First, there is the common belief among most Americans, Northern and Southern, that slavery, considered abstractly, is immoral. Second, there was an equally common belief among most Americans that the consequences of universal emancipation would be worse for both blacks and whites than would be

¹¹Lincoln, *Speeches and Writings, 1832–1858*, pp. 510–11.

¹²Lincoln, *Speeches and Writings, 1832–1858*, pp. 510–11.

¹³C. Duncan Rice, *The Rise and Fall of Black Slavery* (Baton Rouge: Louisiana State University Press, 1975), p. 150.

¹⁴Lincoln, *Speeches and Writings, 1832–1858*, p. 271.

the maintenance of the institution itself. Third, he recognizes that slavery was an unfortunate inheritance from British colonialism.

Insofar as Lincoln had any solution to the problem, it was threefold: (1) gradual emancipation accompanied by a period of apprenticeship, (2) compensation to slave owners, and (3) eventual deportation. Major American political leaders had long backed a policy of colonization of Africans, and the American Colonization Society included among its members Daniel Webster, Francis Scott Key, Andrew Jackson, Millard Fillmore, John Marshall, James Monroe, and James Madison. Henry Clay, who had been president of the Society, was Lincoln's mentor on matters of slavery, economics, and politics. Like Clay, Lincoln had a high moral vision of slavery as a period of tutelage whereby Africans acquired the dispositions of a superior civilization in religion, law, and liberty. These could be taken back by "the African to his native clime" to educate and enrich his posterity. Lincoln always thought of blacks as an *alien* people away from their "native land."¹⁵

No American political leader pursued colonization more vigorously than Lincoln. Biographer J.G. Randall placed the issue at the top of his presidential policy agenda, and observed that "[o]ne can hardly find any subject on which Lincoln argued and pleaded more earnestly than on this."¹⁶ In two State of the Union addresses, the preliminary Emancipation Proclamation, a number of other policy statements, and the debates with Douglas, Lincoln urged that the federal and state governments buy slaves and deport them to an appropriate location. In 1857, Lincoln proposed that the Illinois Legislature appropriate money to colonize free negroes in the State.¹⁷

In 1862, President Lincoln introduced a constitutional amendment to buy and deport slaves. He engaged the State Department to arrange a treaty with England, France, the Netherlands, and other colonial powers to sell or lease land for free negroes, and he ordered the Secretary of State to investigate the possibility of settlements in Haiti, Liberia, New Granada, Ecuador, St. Croix, Surinam, British Guiana, Honduras, and the Amazon. At one time, he proposed deporting to Texas the entire slave

¹⁵Lincoln, *Speeches and Writings, 1832–1858*, pp. 271, 401–2.

¹⁶James G. Randall, *Lincoln, the President* (New York: Dodd, Mead, 1945–55), 4 vols., pp. 142, 145. See also Bennett, *Forced into Glory*, pp. 381–90.

¹⁷Eugene H. Berwanger, *The Frontier Against Slavery* (Urbana: University of Illinois Press, 1967), pp. 4–5.

population; at another, to Florida.¹⁸ Even in the last months of the war, Lincoln proposed to his Cabinet raising \$400 million to compensate slaveholders if they would return to the Union and ratify his proposed Thirteenth Amendment by July 1, 1865. Compensated emancipation was *always* tied, in Lincoln's mind, to deportation.

Lincoln honestly believed that whites and blacks could not live together on terms of equality, and therefore could not live together in peace. He was deeply opposed to miscegenation, and appears to have thought that republicanism required a racially homogeneous population. He supported black codes in Northern states that kept blacks out, and when they were allowed in, he supported laws that denied them citizenship and basic civil rights. Deportation would free society "from the troublesome presence of free negroes."¹⁹ But he knew it could not be effected immediately. In the meantime, slavery, under the restriction of the Missouri Compromise (which would keep blacks south of the line), seemed to him a reasonable arrangement.

LINCOLN'S VIEWS AS AN ATTORNEY

For 45 of his 56 years, Lincoln never raised the issue of slavery, nor did he attempt to improve the condition of free blacks in his own state. He took money from his slaveholding father-in-law, processed a will that involved selling slaves, and vigorously supported returning runaway slaves to their masters. He even went out of his way to serve as counsel to Robert Matson, who sought to have Jane Bryant (a slave) and her four children, who had fled to abolitionists in Illinois, returned to Kentucky.²⁰ Lincoln defenders say that lawyers take on clients of whom they do not necessarily approve, but the evidence shows that Lincoln approved of the fugitive slave laws. He was opposed to slavery only "in the abstract," not as a contingent *modus vivendi*. He lost the case, and the woman and her children gained their freedom. He did not have to take this case. And whatever we are to think about his motives, his doing so does not sit well with the deeply entrenched myth, so necessary to the centralized American state, of the Great Emancipator and champion of black equality.

¹⁸Lucius Chittenden, *Recollections of President Lincoln and His Administration* (New York: Harper & Brothers, 1891), pp. 336–40; and Bennett, *Forced into Glory*, p. 553.

¹⁹Lincoln, *Speeches and Writings, 1832–1858*, p. 271.

²⁰Bennett, *Forced into Glory*, pp. 278–80.

His co-counsel, former state attorney general Usher Linder, had had a role in inciting the mob that murdered Illinois abolitionist Elijah Lovejoy. Lincoln was blistering everywhere in his attacks on abolitionists, and at times he could overstep the line. Speaking in Worcester, Massachusetts, in September 1848, he indirectly referred to the murdered Lovejoy: "I have heard you have abolitionists here. We have a few in Illinois, and we shot one the other day."²¹

LINCOLN PLAYS THE SLAVERY CARD

Lincoln took up the topic of slavery only after the 1854 passage of the Kansas-Nebraska Act abolished the Missouri Compromise line that extended to the west, a compromise that had allowed slavery to the South of the line but ruled it out to the North. Each territory would now decide whether it would allow slavery. Most commentators agree that Lincoln turned to the slavery question as a way of reviving a moribund political career. As many today play the race card to gain and centralize power, so Lincoln played the slavery card. He heated up passions by inciting fear that the Kansas-Nebraska Act would open the door to slavery not only into the West but into the North as well. This was a contrived issue; there was virtually no probability of the plantation system moving West—by 1860, there were only seventeen slaves in all of the Western territories—and none whatsoever about it moving North.²²

Lincoln gave high-minded speeches about the immorality of slavery, but it was not slavery as such that bothered him or his audience, as anyone reading the black codes of Northern and Western states could see. It was the entrance of *Negroes*, free or slave, into the West. For, once in the territories, slaves could pass through an apprenticeship system and be freed.

Indeed, westward diffusion of the African population was one scenario of eventual emancipation that Jefferson and other Southerners had entertained. A reduction of the black-to-white ratio in a state would ease the difficulty of social and political integration. However, the demand that the northwestern territories should be an African-free zone had blocked such diffusion. For example, John Randolph freed his slaves in

²¹Douglas L. Wilson and Rodney O. Davis, ed., *Herndon's Informants* (Urbana: University of Illinois Press, 1998), p. 681.

²²Charles Ramsdell, "The Natural Limits of Slavery Expansion," *Mississippi Valley Historical Review* 16 (1929), pp. 151–71.

his will and bought farms for them in western Ohio, but the citizens of Mercer County, Ohio, forced them out. The slaves returned to Virginia, and asked to be made wards of the state.²³

It was the fear that the western territories would be a dumping ground for blacks, not a moral passion to stamp out or restrict slavery, that animated Lincoln's speeches and his audience. The territories, he said, "should be kept open for the homes of free white people." "Is it not rather our *duty*," he asked, "to make labor more respectable by preventing all black competition, especially in the territories?" Keeping all blacks out of the territories would solve the problem of miscegenation, which Lincoln viewed with horror. In a June 1857 speech critical of the *Dred Scott* decision, he declared that a

separation of the races is the only perfect preventive of amalgamation, but as an immediate separation is impossible, the next best thing is to *keep* them apart *where* they are not already together. If white and black people never get together in Kansas, they will never mix blood in Kansas.

In another speech a month later, he drove the point home again: "What I would most desire would be the separation of the white and black races."²⁴

THE MORALITY OF LINCOLN'S POSITION

The myth of Lincoln's moral grandeur is rooted in the debates with Douglas, where Lincoln supposedly raised the moral horizon of Americans by rediscovering the radical egalitarian implications of the Declaration of Independence's claim that all men are created equal. Leaving constitutional issues aside, the *moral* quarrel between Lincoln and Douglas was briefly this: Douglas argued that the Founders did not include Africans in the Declaration's claim, but tacitly understood "men" to mean a certain kind of man developed by a certain kind of culture.

²³Jefferson's diffusionist solution is touched on in M.E. Bradford, *Against the Barbarians, and Other Reflections on Familiar Themes* (Columbia: University of Missouri Press, 1992), p. 234. Ann Norton discusses how Randolph's slaves were shut out of Ohio in *Alternative Americas*, pp. 152–53.

²⁴Abraham Lincoln, *The Collected Works of Abraham Lincoln*, ed. Roy R. Basler (New Brunswick, N.J.: Rutgers University Press, 1953–55), vol. 3, pp. 311, 79, italics added; and Lincoln, *Speeches and Writings, 1832–1858*, pp. 478, 401–2.

Lincoln argued that Africans and, indeed, all men, independent of culture, were included.

While Lincoln appears to have taken the high moral ground, this is an illusion. In the same debates, he also held that there is a “physical difference” between blacks and whites which “forever” precludes social and political equality, and that blacks are to remain subordinate, a proposition about which he and Douglas agree: “I, as well as Judge Douglas, am in favor of the race to which I belong, having the superior position.”²⁵

How does Lincoln reconcile the radical egalitarian claim with the inegalitarian white supremacist claim? His answer is that the egalitarian principle applies only to *new states*. Where slavery is already established by law and custom, slavery can remain, and it would be criminal to subvert it, i.e., to disobey the fugitive slave laws in the name of natural rights. This means that slavery can remain as it is in the states where it is legal, but it cannot be introduced into new states.

This is a morally incoherent position. On the one hand, Lincoln’s understanding of the Declaration of Independence meant that blacks had *inalienable natural rights* that transcend the historicity of particular cultures and legal traditions. This transcendent character of natural rights is what makes them inalienable and establishes them as stern measuring rods for *any* political tradition. On the other hand, by allowing that slavery cannot be touched in the states where it is sanctioned by legal tradition, Lincoln abandons entirely the transcendent character of natural rights. After all, if mere legal tradition can alienate these “inalienable rights” in Virginia, why can’t it do so in Kansas, which is part of the same legal order? And if it can’t in Kansas, how can it do so in Virginia?

This moral incoherence perplexed not only Douglas but also the radical abolitionists. Once we admit that inalienable rights can be alienated by tradition and practical circumstances, we have lost entirely the radically transcendent character of natural rights that gave them their searing critical power.

There is a serious philosophical question as to whether the doctrine of natural rights is itself coherent. Thoughtful writers from David Hume to Michael Oakeshott and Alasdair MacIntyre have argued that the doctrine, as traditionally conceived, is incoherent, a fertile ground for hypocrisy,

²⁵Lincoln, *Speeches and Writings, 1832–1858*, pp. 512, 636–37.

and a rationalist mask for centralizing power.²⁶ Whether this is true, or, if true, whether the doctrine can be reformed, are issues we cannot take up here. The point to be made is that, taking the doctrine seriously, as Lincoln's admirers do, Lincoln was reduced, in the debates with Douglas, to the moral absurdity that blacks were included in the inalienable natural rights affirmed in the Declaration of Independence, but that they could not exercise those rights in the United States. He said exactly that on many occasions, and in some cases so clearly that he could not be misunderstood:

Negroes have natural rights, however, as other men have, although they cannot enjoy them here, and even Tawney once said that "the Declaration of Independence was broad enough for all men." But though it does not declare that all men are equal in their attainments or social position, yet no sane man will attempt to deny that *the African upon his own soil* has all the natural rights that instrument vouchsafes to all mankind.²⁷

Thus, according to Lincoln, in order for blacks to enjoy the natural rights that no time, circumstance, or tradition can alienate, they must be deported to Africa.

Lincoln said many times that the Declaration did not imply that blacks were equal to whites in all respects, and that it would not be morally unjust to place them in a subordinate position in places where they were not equal. This raises an important question: in what respects were they equal or unequal? On this most important policy question, the supposedly greatest of American statesmen had virtually nothing to say. He says that there is a "physical difference" and not merely a cultural one. Blacks are not equal in "color" and "perhaps not in moral or intellectual endowment." In what respects, then, are they equal? Lincoln mentioned only one: "in the right to put into his mouth the bread that his own hands have earned, he is the equal of every other man, white or

²⁶David Hume, "Of the Original Contract," in *Essays, Moral, Literary, and Political*, ed. Eugene Miller (Indianapolis, Ind.: Liberty Classics, 1987); Michael Oakeshott, *Rationalism in Politics* (Indianapolis, Ind.: Liberty Classics, 1985); and Alasdair MacIntyre, *After Virtue* (Notre Dame, Ind.: University of Notre Dame, 1983).

²⁷Lincoln, *Collected Works*, vol. 3, p. 79, italics added. See also vol. 2, pp. 266, 274, 385, 501, and 520; vol. 3, pp. 16, 222, 249, 255, 276, and 300. For a merciless but just and long-overdue treatment of Lincoln's racism, see Bennett, *Forced into Glory*.

black.”²⁸ This is all very well, but the freeman must have control of the means of producing the bread. He must have the right to earn it somewhere and to protect that right in court when it is violated. But he cannot earn it at all in Lincoln’s Illinois because its state constitution prohibits his entrance. And, even if he is allowed to enter the state, he is not a citizen, does not have access to the courts, cannot vote, and is severely restricted in where he can go and what he can do.

Far from being morally profound, Lincoln’s handling of the Declaration of Independence is morally corrupt. It enables him and his audience to feel good about themselves because they, unlike moral pygmies such as Douglas, openly and generously affirm the natural rights of all men, including negroes, while at the same time firmly preserving slavery where it is legal, enforcing the fugitive slave laws and the cruel black codes of Illinois and other Northern states, and keeping the Western territories and states an African-free zone. In short, the Declaration of Independence, in Lincoln’s understanding of it, does not impose upon him any concrete moral duty to do anything whatsoever about either slavery where it is legal or about the condition of free blacks in his own state.²⁹

On March 2, 1861, Congress passed what would have been the Thirteenth Amendment. This Amendment made it impossible *ever* to *change the Constitution* so as to give Congress authority to interfere with the domestic institutions of a state, including slavery. It established that:

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State.

In his first Inaugural Address, Lincoln went out of his way to endorse this ironclad protection for slavery in the states where it was established, as it was exactly what he had always maintained: “I have no objection to

²⁸Lincoln, *Speeches and Writings, 1832–1858*, pp. 512, 478.

²⁹Harry Jaffa has made a career out of attempting to distill edifying moral blood from the abstract turnip of Lincoln’s debate with Douglas, so easily seduced is a certain kind of American by self-serving Enlightenment abstractions over moral substance. See Harry Jaffa, *A Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglas Debates* (Chicago: University of Chicago Press, 1982).

its being made express and irrevocable.” So if the South had stayed in the Union, slavery would have continued as long as the states desired.

THE REASON FOR SECESSION IN 1861: THE SAME AS IN 1776

Strange as it may seem today, there was no serious *political* opposition to slavery throughout the antebellum period, at least, not in the form of national political parties. A few abolitionists were elected in state elections, but no political party of any importance ever raised the question of emancipation. Voters flatly rejected Martin Van Buren’s tiny Free Soil Party, which included a compensated emancipation plank. Nor were Lincoln and his associates above inciting racist fears by attacking Van Buren’s courageous proposal.³⁰ The North simply did not invade the South over the moral question of slavery. Nor did the South secede in order to protect slavery, for with the *Dred Scott* decision and the just-passed (but not ratified because the South seceded) “Thirteenth Amendment,” making it impossible for Congress to touch slavery, the institution had never been so well protected. Why, then, did the South secede?

The answer is complicated and cannot be adequately taken up here, but we can say that there was no single reason. Different states seceded for different reasons. For example, Virginia, North Carolina, Tennessee, and Arkansas voted to remain in the Union even *after* the Confederacy was formed. They reversed themselves only after Lincoln decided on an invasion that they considered both unconstitutional and immoral.

AMERICAN SECTIONALISM

Culture and Sectionalism

The North and South had distinct cultures going back to colonial times,³¹ and their relations were never happy. After independence, the

³⁰Bennett, *Forced into Glory*, pp. 204–8.

³¹David Hackett Fischer, in *Albion’s Seed* (New York: Oxford University Press, 1989), argues that the differences existed even before the settlement of the American colonies. He identifies four distinct “folkways”: Calvinists in New England, Royalists in the South, Quakers in Pennsylvania, and Scottish borderers in Kentucky and Tennessee. These differences were well entrenched even before the American Revolution.

New England states seriously considered secession in 1803, 1808, 1814, and 1843, and only the last had anything to do with slavery. Recent scholars have shown that antebellum Americans North and South widely regarded secession as a legal option to a state, though one that few wanted to see exercised.³²

Susan-Mary Grant has recently subverted the established view that the South developed a sectional ideology hostile to the nation and thus withdrew from the Union.³³ She argues that the North (and especially New England) first developed a destructive sectional ideology which, after 1848, it identified with the nation, and then sought to impose on the South. Anti-slavery was only a part (and not even a necessary part) of this aggressive, imperialistic Northern nationalism. By 1850, the comity of states in the federal union had entirely broken down. Under these conditions, legally enacted secession was a reasonable and moral solution. However, nineteenth-century European nationalisms were projects of expansion and unification, making the very idea of secession synonymous with treason. And here, as in so many other instances, American (Northern) nationalism was precisely on schedule with the modern European disposition to centralize.

Tariffs and Sectionalism

If one had to pick one cause of secession around which the other causes revolved, it would have to be the forty-year-long moral and constitutional conflict surrounding the Northern policy of imposing a protective tariff at the expense of the South. As Charles Adams has shown in his brilliant study of the issue, such pundits as Charles Dickens, Lord Acton, and Karl Marx regarded the tariff as the fundamental cause of both Southern secession and Northern invasion. Marx supported the North, but he had no illusions as to what the war was about:

The war between the North and the South is a tariff war.
The war is further, not for any principle, does not touch the

³²See, e.g., Livingston, "The Secession Tradition in America"; Ostrowski, "Was the Union Army's Invasion of the Confederate States a Lawful Act?"; and Thomas DiLorenzo, "Yankee Confederates: New England Secession Movements Prior to the War Between the States," in *Secession, State, and Liberty*.

³³Susan-Mary Grant, *North Over South: Northern Nationalism and American Identity in the Antebellum Era* (Lawrence: University of Kansas Press, 2000).

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question of slavery, and in fact turns on the Northern lust for sovereignty.³⁴

From 1820 to 1860, the United States suffered bitter sectional conflict over the tariff and surrounding issues. As of 1860, approximately 76 percent of American exports were agricultural staples. Nearly all came from the South, and were exchanged for British and European manufactures. The South raised little objection to an 1816 tariff to pay the debt from the War of 1812. The result was a 25-percent tax on woolen, cotton, and iron manufactures, a 30-percent *ad valorem* tax on various goods, and a 15-percent duty on all other imports. The 1816 tariff was to have expired in three years but was extended until 1824. Under this tariff, northern profits on manufacturing climbed as high as 25 percent, while agriculture yielded no more than four percent, and Southern land as low as two percent. Charles Wiltse observes that “Tariff sentiment rose with rising profits. . . . The protectionist movement . . . came to be as completely sectional as slavery itself.”³⁵

This spectacular increase in Northern profits prompted an increase of the tariff in 1824. The minimum duty on cotton goods, which had been 25 percent, was raised to more than 33 percent, for a stunning average rate of 37 percent. South Carolina’s economy depended almost entirely on exporting staples on an unprotected world market. A year after the new tariff, the price of cotton dropped from 21 cents per pound to 12 cents a pound, and the next year it dropped again to 8.8 cents a pound. From 1825 to 1827, her exports declined from 11 million to eight million. Not satisfied, the North again raised the tariff to an average of 50 percent on dutiable goods in 1828. This was done in full knowledge of what it would do to the Southern export trade. South Carolina’s response was nullification of the tariff until it came down to 10 percent. This led to the nullification crisis in 1832. A compromise was reached on dutiable goods at around 19 percent, where it hovered until Lincoln’s election in 1860.³⁶

³⁴Quoted in Adams, *When in the Course of Human Events*, p. 79.

³⁵Charles M. Wiltse, *John C. Calhoun, Nationalist* (New York: Bobbs-Merrill, 1944), pp. 286, 108, 120, 134, 352, and 370. For technical information on tariff rates, see Richard B. Norris, *Encyclopedia of American History* (New York: Harper & Brothers, 1961), pp. 511–17.

³⁶Norris, *Encyclopedia of American History*, pp. 511–17; see also Ludwell Johnson, *North Against South: The American Iliad, 1848–1877* (Columbia: Foundation for American Education, 1993), pp. 109–21.

Lincoln's Election, Sectionalism, and Tariffs

In 1860, Lincoln ran on a Republican Party platform that proposed raising the tariff back to the high level that had prompted South Carolina's nullification. The North, it was clear, would use its Congressional majority to pursue its interests even if it meant wrecking the Southern export trade. Accordingly, following Lincoln's election, South Carolina seceded on December 20, 1860. Congress promptly raised the tariff to 47 percent on March 2, 1861. Lincoln said that South Carolina could stay out of the Union if it liked, but he would still collect the revenue; like Rome, the North would live by tribute.

To ensure that the North continued to receive its bounty, Lincoln reinforced Fort Sumter, located in Charleston Harbor. The purpose of the Fort was to protect the harbor's tariff station. The Confederacy resisted paying tribute to the Union and, as their fathers before them had done, they drove the tax-collecting military from the fort. Contrary to myth, there were no casualties from the exchange at Fort Sumter. Clearly, none of this had anything to do with the moral question of slavery.

Behind it all was the vision of Lincoln's deeply respected mentor, Henry Clay, who had framed the ideal of "the American System." America was to become a great continental industrial empire. This required a central bank, the union of government and big business (with the latter providing loans and the former providing subsidies), and a high protective tariff to keep out foreign industrial competition. Lincoln was a Chamber-of-Commerce Whig all the way, and the "American system" was the animating principle of his soul. This system was simply the nineteenth-century version of Hamilton's mercantilism which, in turn, was built on the model of British mercantilism.

Southerners, including Jefferson, Madison, Henry, Mason, Randolph, St. George Tucker, Taylor, Upshur, Jackson, and Calhoun, had vigorously opposed this system as immoral and unconstitutional. For decades until 1860, through the tariff on imports, the South had funded between 75 and 90 percent of the federal revenue—revenue which a hostile Northern majority used to improve its own infrastructure. Aside from this exploitation by the North, the tariff seriously damaged the South's vast export trade, forcing a sharp drop in profits, and forcing European trading partners to go elsewhere for staples. Calhoun bitterly observed that the North's "American system" could absorb only a *fifth* of what the South produced; the rest had to be traded on an unprotected world market.

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These just complaints fell on deaf ears during the antebellum period and long afterward. The oppressive tariff rate of 47 percent imposed in 1861 remained at or above that rate (reaching at one point a high of 57 percent) until 1909, when it dropped to 38 percent, and again to 30 percent in 1913. From 1921 to 1934, it shot up again to the high of the 1861 tariff. This protectionist policy destroyed the Southern export trade. To put the matter in perspective, we need only consider that taxation policy has been one of the main causes of secession throughout history. The vast province of Western Australia voted in 1931 to secede from the Union over a tariff imposed by the industrial east at the expense of the agrarian west. Biafra seceded from Nigeria in 1967 over tax policy. And Northern economic exploitation of the South was much worse, and less justified, than what had prompted the colonies to secede from Britain in 1776.

While the Northern tariff was 47 percent, the Confederate tariff, by contrast, was 12 percent. A low-tariff zone on the Union's southern border would not only benefit Southerners but also allow cheaper manufactured goods to go north up the Mississippi. Having lost the power to exploit the South, the Northern ports of New York, Boston, and Philadelphia would have to share international wealth with Charleston, New Orleans, and Mobile.

While Lincoln, a white supremacist to the core, could tolerate slavery in the States where it was legal, and not only tolerate but actively support the black codes of Illinois, he could not tolerate the dissolution of Henry Clay's mercantilist "American system." His willingness to wade through an ocean of blood to prevent this dissolution led to the invasion of the South, and to the moral low of directing war against civilians to impose this system by force.

Moreover, Lincoln was the first *sectional* president. What were Southerners to think when major Republican leaders openly declared the sectional goal of the party? Wendell Phillips, for instance, declared:

It is just what we have attempted to bring about. It is the first sectional party ever organized in this country. It does not know its own face, and calls itself national; but it is not national—it is sectional. The Republican Party is a party of the North pledged against the South.³⁷

³⁷Quoted in Albert Taylor Bledsoe, *Is Davis a Traitor?* (Baltimore: Innes, 1866), p. 250.

Lincoln received only a little over a third of the popular vote, and got *no* votes in the South. He was a creature of the New York–Chicago industrial axis.

Lincoln, of course, did not present himself as a sectional president engaged in a mercantile war of conquest, but as a besieged statesman trying to uphold his oath to preserve the Union. However, he had taken no such oath. Rather, he had taken an oath to uphold the *Constitution*, and the Constitution did not in 1860, and does not now, prohibit the secession of an American state.³⁸

Just how seriously we can take Lincoln's legalist argument—secession was *treason* and he was simply enforcing the law—can be seen with a thought experiment. Suppose that, after Lincoln's election, the *North* had begun to secede from the South, as abolitionists had been arguing since the 1830s, and as New England leaders had threatened a number of times. Can we seriously believe that President Lincoln, newly placed in Washington, would refuse to receive Northern commissioners to negotiate a settlement, and that he would have launched the bloodiest war of the nineteenth century merely to coerce the North back into the Union?

Lincoln's war was not a legal act to put down treason, as he absurdly claimed, but a war of conquest in pursuit of empire in an age in which empire, unification, and conquest were terms of glory, not shame. Like Bismarck, he created a unitary state, "one and indivisible," with a policy of blood and iron. Despite the conjuring of Lincoln hagiographers, there simply was no higher moral purpose to it.

ANTI-SLAVERY BECOMES A MASK

If the North did not invade the South over the *moral* issue of slavery (i.e., emancipating and improving the conditions of blacks), as it most certainly did not, how did the myth that the war was about slavery, and the even more absurd myth of Lincoln as the great emancipator and champion of black equality, come about? Here we confront the mystery of what might be called *political alchemy*, an act by which base political metals are magically transmuted into moral gold. In every case but one in which anti-slavery agitation occurred in events leading up to and during the war, the motive was not a moral regard for freeing and improving

³⁸Brandon, *Free in the World*.

the lot of blacks, but advancing various interests of white Northerners. Anti-slavery was largely a smokescreen created to obscure the North's economic and political struggle to dominate the South.

Abolitionists and Secession

The only exception to this rule were the abolitionists, a small but vocal sect that appeared in the 1830s under the leadership of such men as William Lloyd Garrison and Wendell Phillips. The abolitionists put forth a moral argument on behalf of emancipating the slave (though even here many abolitionists, including Garrison, stopped short of social and political equality). And much of the agitation was stained with anti-Semitism and anti-Catholicism, and evidenced more a hatred of slaveholders than a love of the slave. Still, it was a movement demanding universal emancipation. Realizing that change under the Constitution was unlikely, many abolitionists advocated Northern secession. The American Anti-Slavery Society, for instance, resolved, "That the Abolitionists of this country should make it one of the primary objects of this agitation to dissolve the American Union."³⁹ Garrison burned a copy of the Constitution in public.

Far removed from the solution of peaceful Northern secession were abolitionists such as John Brown, who advocated a slave uprising and a reign of terror against planters and their families. Van Buren's Free Soil Party proposed gradual compensated emancipation, but sank as soon as it was put afloat. Most Americans, of course, were endowed with a sentimental anti-slavery disposition derived from the natural rights tradition of the Declaration. But sentimental anti-slavery, as we saw in the case of Lincoln, did not impose on one any duty to abolish slavery where it was legal or reform the black codes of the North. Sentimental anti-slavery existed easily alongside the crudest form of white supremacy and social and political degradation for blacks. Harriet Beecher Stowe's *Uncle Tom's Cabin* warmed the hearts of anti-slavery sentimentality for millions, but Congress still passed what would have been the "Thirteenth Amendment," making impossible Congressional interference with slavery in states where it was legal, and black codes remained. The Underground Railroad ended in Canada, not the North.

³⁹Quoted in Bledsoe, *Is Davis a Traitor?* p. 149. Jeffrey Rogers Hummel defends the abolitionist argument for secession in *Emancipating Slaves, Enslaving Free Men: A History of the American Civil War* (Chicago: Open Court, 1996).

Economic and Political Self-Interest

Anti-slavery masked economic and political self-interest in three stages. First, when Southerners

- complained that high tariffs protecting Northern industry were not only exploiting Southern states, but also threatened to destroy their export trade,
- observed that they were funding some 75 percent of federal revenue, which a Northern majority appropriated to improve its own infrastructure, and
- opposed “internal improvements” (i.e., subsidies for Northern business) and a central bank as unconstitutional, which Southerners from Jefferson and Madison on had argued,

they were met with a reply from the moral high ground that these policies were advanced on behalf of free labor while Southerners relied on slave labor. Whatever argument Southerners might put forth in protest against Northern injustice could be met with the charge that the argument was motivated to protect slavery at the expense of free labor. However, those who used anti-slavery as a mask were not about to support a national policy of emancipating slaves, removing Northern black codes, compensating slave holders, and allowing blacks to migrate North to enjoy the benefits of “free labor.”

Second, the Kansas-Nebraska Act inspired anti-slavery agitation addressing the question of whether slavery could be extended to the Western territories. There, as I have argued, this agitation was largely a mask hiding white supremacist fears that blacks would enter the territories.

Third, the first year-and-a-half of the war was traumatic for Northerners. What was to have ended in a month dragged on with no end in sight. As casualties mounted, hatred of the South intensified. Wars are usually not created out of hate, but, once started, they create it.

The Confiscation Act and the Emancipation Proclamation

Southerners were using blacks in agriculture, construction of fortifications, and various military capacities, including their informal use in combat. Northern boys were dying, and the public demanded an end to the war by hitting the South where it hurt most: by emancipating and even arming slaves and confiscating the lands of Confederate planters.

Accordingly, a new and militant Congress passed the Confiscation Act allowing emancipation of captured slaves (whom Lincoln had ordered returned to their masters) and seizure of Confederate plantations. The motive behind this act was not a moral regard for blacks, as there was no thought of free blacks moving North. It was, instead, the same as that of the British who, though still engaged in the slave trade, had issued a similar order of emancipation and confiscation against colonial rebels during the American Revolution.

The Confiscation Act was a rebuke to Lincoln's failure to emancipate and use blacks in the war effort. Lincoln threatened to veto it unless the confiscation-of-property clause was removed. Congress agreed, and the bill passed, but the emancipation clause was still too radical for Lincoln. He had always opposed immediate universal emancipation, and the Confiscation Act threatened to do just that.

Consequently, Lincoln issued *his own* Emancipation Proclamation, which meant that he could ignore the more radical Confiscation Act and control emancipation policy himself. It gave him discretion to exclude certain districts from emancipation, and emancipated *no* slaves then under his control. Moreover, it *returned* to slavery thousands of blacks whom Northern generals had proclaimed free and whom the Confiscation Act would have freed.

Lincoln's hope was that his Proclamation would end the war, and that slavery would remain intact as still the best way of managing the African population. He said many times that the Emancipation Proclamation was merely a military measure of doubtful legality which would be inoperative after hostilities ceased. It was designed merely to shorten the war. With peace concluded, Lincoln was content to let litigation decide the status of the limited number of blacks who had been freed by the Proclamation. So much for the moral grandeur of the Great Emancipator and champion of black equality.

EMANCIPATION IN THE CONFEDERATES STATES OF AMERICA

We turn now to the abolitionist argument that Northern secession was the best way to solve the problem of slavery.⁴⁰ To appreciate this, let us consider what most likely would have happened had the South not

⁴⁰Hummel presents a powerful argument for this thesis in *Emancipating Slaves, Enslaving Free Men*.

seceded. The states would have ratified the constitutional amendment outlawing Congressional interference with slavery. Slavery, thus, would have lasted as long as the states wanted it to.

Northern and Southern Timetables for Abolition

How long did Lincoln think slavery would last? He said it might last a century.⁴¹ When in Congress, he voted *against* a bill to abolish the slave trade in the District of Columbia, and, worse, even urged extending the fugitive slave law to the District, where slavery was not protected by the Constitution. When it seemed that an abolitionist bill might pass, he suggested a compromise bill for compensated emancipation in the District, but later withdrew it. Like the Emancipation Proclamation, the compromise bill did not free anyone immediately; it would only emancipate children born after January 1, 1850, and then only after an unspecified period of apprenticeship. Later, he drew up an emancipation bill for Delaware in which the apprenticeship period was quite long. Slavery would not have been eliminated until 1914.

In his State of the Union Address on December 1, 1862, Lincoln proposed what would have been the Thirteenth Amendment to the Constitution, requiring that slavery be abolished by January 1, 1900. His proposed Fourteenth Amendment would compensate slave owners who had remained loyal to the Union, and his Fifteenth Amendment would have provided money for deportation of Africans out of the United States. He presented these *before* he issued the Emancipation Proclamation. Had the South remained in the Union, slavery would have had ironclad protections and could easily have stretched into the twentieth century had the Southern states so desired.

But would they have so desired? What would have been the prospects of emancipation in the South had the Confederacy secured its independence? Our nationalist historians have shown no interest in asking this question, and, while it is too daunting to take up here, we can suggest that the South would have abolished slavery in a reasonable period, probably sooner even than Lincoln proposed. By the 1880s, slavery had entirely vanished from the western hemisphere, and only in Haiti and the United States was its abolition accompanied by violence.

There had long been an anti-slavery tradition in the South, especially in Virginia. By 1830, there were far more anti-slavery societies in

⁴¹Lincoln, *Speeches and Writings, 1832–1852*, pp. 514–15.

the South than in the North. In 1832, the Governor of Virginia called on the legislature to do something about slavery. The legislature passed a resolution to abolish slavery in Virginia, but ran into difficulties when writing the statute, and the bill was tabled. It was at just this time that the abolitionist frenzy swept down from the North, urging immediate and uncompensated emancipation. Pamphlets urging that slaves revolt, poison wells, and murder the families of planters in their sleep—as John Brown did and was praised for doing—did not strengthen the moderate forces of abolition in the South. Thomas Hart Benton, who had worked to secure the right of a jury trial for slaves in Missouri, bitterly complained that Northern abolitionist agitation had blocked further reforms. Massachusetts Senator Daniel Webster said the same thing in the 1850 debates over the nature of the Union.

In the nineteenth century, no European country or Northern state, having the South's high percentage of what was considered an alien African population (many of whose members were only two generations removed from tribal existence), could have integrated without great difficulties. Racial prejudice aside, emancipation was costly, and the cost was to fall entirely on each planter or state. There was no prospect at all of a nationally funded emancipation, and Western lands and Northern states were effectively sealed off for purposes of racial diffusion. State and local emancipation would have required considerable patience and goodwill between the races, enlightened leadership, the continuity of a stable tradition, peace, and prosperity. It would have been difficult under the best circumstances, and it occurred under the worst in a region torn by a scorched-earth war that violated international laws of warfare, its economy a shambles, its public debt repudiated, its currency destroyed, its ruling class eliminated, a quarter of its military-age male population dead, its ex-Confederates disenfranchised, and its slaves suddenly enfranchised with no political experience subject to Republican Party exploitation to maintain power—all under twelve years of military dictatorship in most of the South.

“Somerset’s Case” and Southern Judicial Review

Serfdom, a European form of slavery, was abolished in England not by statute but over centuries by judicial review. Much Southern jurisprudence was rooted in the principle laid down in English common law by Chief Justice Lord Mansfield in *Sommersett’s Case* (1771), namely, the proposition that slavery, being a violation of natural law, could be justified only by positive statute, and that such statutes must be strictly

construed in the light of natural law, i.e., in the direction of freedom. A Virginia statute, for instance, provided that “slaves which shall hereinafter be brought into this Commonwealth, and kept therein one year, or so long, at different times, as shall amount to one year, shall be free.” The statute excluded slaveholders from other states who became citizens of Virginia and took a specified oath within a certain time. In *Murray v. McCarty* (1811), Judge Joseph Cabell construed this proviso strictly so as to grant a slave, Nancy Murray, her freedom. Chief Justice William Gaston of the North Carolina Supreme Court, in *State v. Manuel*,⁴² carried this strict construction so far as to hold that whenever a slave became free by any lawful means, he also became a citizen of his state with the same rights as other citizens. Lincoln, remember, was opposed to making blacks citizens in his state: “If the State of Illinois had that power [to make blacks citizens,] I should be opposed to the exercise of it.”⁴³

Dred Scott sought his freedom and that of his wife and daughters in a suit before the circuit court of Missouri. This Southern court granted Scott and his family their freedom, basing its decision on a long chain of Southern state court precedents rooted in Lord Mansfield’s ruling in *Sommersett’s Case* that a slave, upon entering territory where slavery was prohibited by law, was instantly free. Scott subsequently lost his freedom, though, when the case went to the U.S. Supreme Court on appeal in 1857. The tradition of Southern state jurisprudence adopting the principles of *Sommersett’s Case* can be found in the dissenting opinions of Justice John McLean and Justice Benjamin Curtis in *Dred Scott v. Sandford*.⁴⁴

Free blacks flourished in the South as businessmen, slaveholders, and artisans. In New Orleans, one quarter of the blacks were free. In many places, especially urban areas, slavery was developing into an apprenticeship system, and slaves were able to buy or work out their freedom. William Gilmore Simms of Charleston, South Carolina, the greatest Southern literary figure of the day, was a planter who believed slavery under then-current circumstances was a benevolent institution, but he had no difficulty abandoning it should circumstances change. In the

⁴²4 Dev. & B. 20 at 24–25 (1838).

⁴³Lincoln, *Speeches and Writings, 1832–1858*, pp. 675, 791.

⁴⁴19 Howard 391 at 547–564, 573, and 601–604 (U.S. 1857). I am indebted to Jack Graham for this point about the influence of *Sommersett’s Case* in Southern judicial review. See his *The Abolitionists of the Old South*, *League of the South Papers*, no 5 (Monroe, La.: League of the South), pp. 1–30.

1850s, he argued that slavery would be eliminated in the border states in about twenty years, while its elimination in the Deep South would take longer. His reason was that the border states “will become manufacturing.”⁴⁵ His prediction was reasonable as, by 1860, about half the blacks in Maryland were free not by statute but by having purchased their freedom through apprenticeship. The same was occurring in other manufacturing and urban areas in the border states. In Nashville, 44 percent of blacks were free.

Integration in the South and North

From the late 1840s on, planters were often reminded of their duties to slaves, and major theologians such as James Henry Thornwell and Robert Lewis Dabney urged legislative reforms. William Drayton, scion of the oldest families in South Carolina and the owner of several plantations, started a school on his plantation to teach black children to read. A great gardener, Drayton called them his “black roses.” Confederate general Stonewall Jackson supported a school. After the war, a stained-glass window was dedicated to him in the church of the black families he had befriended.

Jefferson Davis and his brother Joseph both contemplated the eventual emancipation of slaves. Davis spoke to Southerners of the duty of “Christianizing and improving” Africans in their charge. To this end, he instituted a system of laws, courts, and juries administered by slaves themselves so that they might learn the principles of law and civil society. Some of his slaves were taught to read, and even engaged in commercial activity. Whereas Lincoln opposed court testimony by blacks, Davis favored it even during the chaos of Reconstruction.⁴⁶

Davis was appalled at the condition of free blacks in the North, and at frequent remarks—like those of Senator John Dix of New York—that, once freed, blacks would “continue to be an inferior caste” and would eventually die out. For Davis, blacks were integrated into Southern society as part of the household, and he was horrified to hear “their

⁴⁵William Gilmore Simms, *The Letters of William Gilmore Simms*, ed. Mary C. Simms Oliphant, Alfred Taylor Odell, and T.C. Duncan Eaves (Columbia: University of South Carolina Press, 1952), vol. 4, p. 335.

⁴⁶Felicity Allen, *Jefferson Davis: Unconquerable Heart* (Columbia: University of Missouri Press, 1999), pp. 103–4, 116. This is the first biography to present Davis as a human being, rather than in the character of a spoiler in a great nationalist drama.

extinction treated as a matter of public policy.” During the war, rhetoric proposing the extermination of Southerners also rang from Northern pulpits and in political speeches. “The Battle Hymn of the Republic” is perhaps the most celebrated reflection of such language. After the war, Sherman proposed a policy of exterminating the Western Indians; he called it his “final solution to the Indian problem.”⁴⁷

We forget that there was no segregation in the antebellum South; subordination did not mean segregation. Mrs. Davis rescued Jim Limber, a seven-year-old black boy, from abuse, legally freed him, and adopted him into the family. He lived, slept, ate, and played with the Davis children as a member of the family in the Confederate White House while the Davises were in Richmond. The Union army seized him by force when Davis was captured. Despite Mrs. Davis’s efforts over the years to find him and “to look after . . . Jim’s education,” he was never heard from again. It is unimaginable that Lincoln, who never did anything in Illinois to improve the conditions of blacks, would have freed and adopted a black orphan and raised him with his own children in the starkly segregated North.⁴⁸

Black Supporters of the Confederacy

The long-suppressed story of blacks who identified themselves as Southerners, were loyal to the Confederacy, and saw the war as an opportunity to improve their condition, is only gradually coming to light.⁴⁹ The Confederate armies employed blacks long before Union armies did so, and blacks were everywhere in the Confederate army. When white regiments marched off to war, an equal number of blacks often accompanied them. There were some 30,000 body servants in the Army of

⁴⁷Allen, *Jefferson Davis*, p. 168. On the Northern use of genocidal language, including Sherman’s “final solution” to the Indian problem, see Adams, *When in the Course of Human Events*, pp. 109–25. For an argument that blacks were treated better in the South than free labor was in the North, see the classic non-pro-South study by Robert William Fogel and Stanley L. Engermann, *Time on the Cross: The Economics of American Negro Slavery* (Boston: Little, Brown, 1974).

⁴⁸Allen, *Jefferson Davis*, pp. 6, 8, 24, 373–74, 409, 412, and 594 n. 20.

⁴⁹Edward C. Smith, “Calico, Black, and Gray: Women and Blacks in the Confederacy,” *Civil War Magazine* 8, no. 3, issue 23; Richard Rollins, *Black Southerners in Gray* (Redondo Beach, Calif.: Rank and File Publications, 1994); and Ervin L. Jordan, Jr., *Black Confederates and Afro-Yankees in Civil War Virginia* (Charlottesville: University Press of Virginia, 1995).

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Northern Virginia alone. Given the informality of many Confederate units, some of these and other blacks often served in military capacities. An Afro-American scholar recently observed:

When you eliminate the black Confederate soldier, you've eliminated the history of the South. . . . [We] share a common heritage with white Southerners who recall that era. We shared in the plantation scheme of things as well as the forces that fought to keep them.⁵⁰

Nor should this be surprising, as another Afro-American scholar has observed:

Students of African American history should have been able to predict with a great degree of certainty that some, if not most, black Southerners would support their country, as did most white Southerners. During the Revolutionary War black and white fought together, on both sides, [demonstrating that] it is possible to hate the system of slavery and love one's country.⁵¹

Ervin L. Jordan, an Afro-American scholar and a pioneer in researching black Confederates, has estimated that up to 25 percent (65,000 out of 261,000) of free Negroes in the South and 15 percent (600,000 out of four million) of slaves supported the South's struggle for independence.⁵² Indeed, it was this military employment of blacks that prompted an angry white supremacist North to urge Lincoln to free and arm blacks to subvert the war effort. Eventually, some 200,000 blacks served in the Union army, mostly as laborers. Some were there voluntarily, but great numbers were forced into the Army at bayonet point, as records amply show.

But there were still more than three million blacks in the South. The overwhelming majority remained to run plantations and farms left by three-fourths of the white male population of military age who had gone off to war. As Prof. Edward C. Smith, a black professor at American University, observed:

blacks . . . could have escaped to nearby Union lines but few chose to do so and instead remained at home and became

⁵⁰Quoted in Rollins, *Black Southerners in Gray*, p. 57.

⁵¹Rudolph Young, "Black Confederates in Lincoln County, North Carolina," in *Black Southerners in Gray*, p. 121.

⁵²Young, "Black Confederates," p. 131.

the most essential element in the Southern infrastructure to resisting Northern invasion.⁵³

Though state and Confederate governments did not legally sanction black troops until late in the war, commanders accepted black troops from the first. Early in the war, Confederate commanders such as Patrick Cleburne had argued for arming blacks. As early as August 1863, the *Jackson Mississippian* insisted that slavery should not be “a barrier to our independence. If it is found in the way—if it proves an insurmountable object of the achievement of our liberty and separate nationality, away with it! Let it perish!”⁵⁴ Later, the Confederate Cabinet agreed to abolish slavery five years after the end of hostilities in exchange for British and French recognition. Progressive and enlightened slaveholders such as Davis were fighting for economic and political independence, not for slavery.

In the last year of the war, the Confederate Congress authorized the raising of 300,000 black troops, with some states also voting to raise black troops. Davis issued General Order Fourteen, requiring that slave recruits be fully emancipated and treated equally with whites:

No slave will be accepted as a recruit unless with his own consent and with the approbation of his master by a written instrument conferring, as far as he may, the rights of a freedman. . . . All officers . . . are enjoined to a provident, considerate, and humane attention to whatever concerns the health, comfort, instruction, and discipline of these troops, and to the uniform observance of kindness, forbearance, and indulgence in their treatment of them, and especially that they will protect them from injustice and oppression.⁵⁵

And black Confederate troops, unlike black Union troops, received equal pay.

⁵³For the impressment of black troops see *War of the Rebellion: A Compilation of the Official Records of Union and Confederate Armies* (Washington, D.C.: U.S. Government Printing Office, 1884), series 1, vol. 3, p. 459; vol. 32, pt. 2, p. 477; series 3, vol. 2, pp. 53, 57. See also Thomas B. Keys, *The Uncivil War: Union Army and Navy Excesses in the Official Records* (Biloxi, Miss.: The Beauvoir Press, 1991). For black support of the South, see Smith, “Calico, Black, and Gray,” p. 12.

⁵⁴Quoted in Hummel, *Emancipating Slaves, Enslaving Free Men*, pp. 280–81.

⁵⁵Emory Thomas, *The Confederate Nation: 1861–1865* (New York: Harper & Row, 1979), pp. 295–96.

Both Northerners and Southerners were white supremacists; the South, however, had a vastly larger population of Africans. Unlike Northerners such as Lincoln, who viewed blacks as an alien people and Africa as their “native land,” Southerners tended to see blacks as integrated into their society through the family household. Southerners thought of Georgia and Virginia as the native land of blacks while at the same time thinking of them as politically subordinate (just as they, along with Northerners, thought of women). American liberals, though, have either denied or ridiculed as “paternalistic” the bonds of affection that had sprung up between the two races who lived together so intimately. And paternalistic they were, for the South was a quasi-feudal society, but such relations, though limited, were the only solid moral ground on which the South’s evolution into a modern civil society could occur.

Lincoln was content that slavery could take a century to work itself out, and, in his shortest time frame, it would have lasted until 1900. In the North and the South, the disposition to emancipate was triggered by changing conditions brought on by war. Blacks were, for the first time, *necessary* to maintain a political society. Had the South gained independence, its blacks would likely have had a smoother transition into civil society than they had in the North before the war or in the South after the barbarism of totalitarian Reconstruction.

Robert E. Lee might well have been the next President of the Confederacy. Lee not only argued for an end to slavery, he had emancipated his own slaves, and even argued that slaves be both emancipated and armed. There is every reason to think that under his leadership, and that of men such as Davis and Jewish Secretary of State Judah Benjamin, that the peculiar institution would have been on its way out. In fact, Davis had said at the beginning that secession meant the end of slavery.

The Missing Element in American Historiography

What is missing from nearly all American historiography about the War is the *humanity* of the South. Southerners do not appear as flesh-and-blood human beings with good reasons for desiring a country of their own, who formed a nation and could have and would have abolished slavery in their own way and in a reasonable time. In American historiography, especially that written since the 1960s, the South serves as an ideological foil of ignorance and evil against which a centralizing American nationalism justifies itself.

Nor do Southern blacks appear as real people, a great number of whom saw the South as their homeland and wanted to participate in a

Southern Confederacy, and to move up in it if possible—just as blacks mistreated by racial segregation were nevertheless eager to serve in World Wars I and II. Approximately 10,000 Jews fought for the Confederacy.⁵⁶ The five “civilized” tribes in Oklahoma fought for the Confederacy, were represented in the Confederate Congress, and, in a rare act of magnanimity in American-Indian relations, were promised their own *state*—not a federal reservation—in an independent Confederacy.

In short, in modern historiography, there were no human beings in the South engaged in a great variety of emotional and spiritual adventures who, confronting radically new circumstances, could be expected to modify their views, trying this and then that solution. Southerners, black and white, are presented as cardboard characters, a necessary ideological background against which a self-congratulatory American liberalism defines itself. This deep need to legitimize a centralized American state corrupts American historiography regarding the War Between the States—which is why dominant public opinion has it that the South fought for slavery and the North fought against it.

THE MORAL SIGNIFICANCE OF THE CONFEDERACY: A RETROSPECTIVE VIEW

Liberals and the Unitary State

When liberals contemplate the horrors of the twentieth century—its world wars and totalitarian revolutions—they often blame them on evil men such as the Kaiser, Hitler, and Stalin, or on evil ideologies such as Fascism, Nazism, and Communism. Yet, liberals themselves are partly responsible for the century’s barbarism, a fact they have yet to acknowledge. After all, such barbarism could not have occurred without the unprecedented centralization of power in modern “unitary” states of vast scale, first created and legitimated by the liberal tradition in the name of individual liberty. From the seventeenth century on, the trend of Western politics has been to crush smaller political units and independent social authorities of all kinds, herding them into ever-larger unitary states. The official moral justification for these wars of “unification,” setting aside the question of whether this is the real reason, is that smaller polities and independent social authorities oppressed individual liberty. Indeed, they often did.

⁵⁶Eli N. Evans, *Judah P. Benjamin, The Jewish Confederate* (New York: Free Press, 1988), p. 205.

But in this “contract” of unification and centralization for the sake of liberty, liberals failed to read the fine print. Massive centralization of power in the name of liberty can be put to quite illiberal purposes. The French Revolution produced the first massive centralization, destroying all independent social authorities in the name of the “rights of man.” It also produced the first totalitarian reign of terror. For the first time in European history, universal male conscription was ordered, allowing the new French state to raise an army beyond anything of which eighteenth-century monarch could have dreamed. Whereas Louis XVI did well to raise an army of 200,000, the French Republic would eventually run through over three million troops—at that time the largest army ever assembled in the history of the world. Napoleon used this unprecedented concentration of power to plunder Europe, legitimating his brutal conquests with the Enlightenment mask of the “rights of man.”

The French state became the model for other European countries, and the nineteenth century, from the Congress of Vienna to 1914, was an era of brutal wars of “unification” and centralization, legitimated by ideologies of liberty and, with the advent of industrialization, of something called “progress.” The massively centralized regimes that went to war in 1914 were all either self-professed liberal progressive regimes or, as in the case of Czarist Russia, on the way to becoming liberal regimes.⁵⁷ They appear to have been unaware of the power they had amassed. Armed with public credit, conscription, and the income tax, collision between these modern liberal leviathans would send shock waves around the world. Just four years of war would yield ten million battle deaths, and more mutilated physically and mentally. This was more battle deaths than in the preceding two centuries of European war combined.

World War I was the most significant war of the twentieth century, and World War II was simply its horrific second round, yielding some 60 million deaths, with no longer any distinction to be made between civilian and military. And the responsibility for World War I must be placed squarely at the feet of the modern unitary state created by the liberal tradition. In its obsessive pursuit of the noble ideal of individual liberty, it had failed to cultivate the constitutional art of limiting the centralization of power.

⁵⁷On the liberalism of 1913 Czarist Russia, see John Gray, *Post-Liberalism* (New York: Routledge, 1993), pp. 165–68, and John Dziak, *Chekisty: A History of the KGB* (Lexington, Mass.: Lexington Books, 1988).

Worse than the battle deaths, World War I shattered the *social fabric* of Europe, leaving a deracinated mass of individuals. From what Eliot called the “waste land” arose the ideologies of National Socialism, Communism, and Fascism. The very names of these ideologies point to a deep human need which they perversely claimed to satisfy, namely to bind together and recreate social life. Liberals rightly point out the perverse character of these ideologies with their false promises of social unity, but utterly fail to recognize that their own spectacular mismanagement of the centralization of power led to the shattered social conditions which provided a moral and political market for such ideologies. These things did not arise in a vacuum. Hitler did not create the massive centralization of power he put to such evil purposes. That was the century-old work of German liberals legitimated by Kantian, Hegelian, and Weimar liberalism.

In the early eighteenth century, Germany consisted of over 200 independent principalities and approximately 50 free cities. For centuries, this highly decentralized region had been one of the most peaceful in Europe. With a policy of “blood and iron,” Bismarck crushed these independent sovereignties into a vast liberal modern state. After World War I, a number of Bavarians thought that the unification of Germany had been a disaster and that Bavaria should secede from the German federation; liberals, Nazis, and communists locked arms in opposition. All agreed with the fundamental liberal principle laid down by the French Revolution and reaffirmed by the postbellum United States that a modern state is “one and indivisible.” Had Bavaria been allowed to secede and had Hitler become its dictator, as he had tried to do, he would have posed no threat to the world, and probably little to Bavaria. Dictators are easier to criticize and overthrow in small states than in large ones. Likewise, during the Spanish Civil War liberals, communists, and fascists all agreed in suppressing Basque and Catalan self-rule.

The Failure of Democratic Centralization

Classical-liberal devices for limiting the centralization of power—representative democracy, checks and balances between branches of the central government, and the rule of law—have not only failed, but have proven to be excellent tools *for* centralization.⁵⁸ It could not be other-

⁵⁸An argument why liberal schemes to limit power tend to result in even more centralization is given by Bertrand De Jouvenel, *On Power* (Indianapolis, Ind.:

wise, since these devices are the exclusive possession of the central government. The only way to limit centralization is to endow the *periphery* with the right, in some way, to veto the center. By periphery, I do not mean a mere aggregate of individuals, but a political society or independent social authority. Modern liberal states typically have a history of welding these smaller units into “unions” where members forfeit corporate self-government in favor of a wider sphere of individual liberty. There can be no real check to the centralization of power unless these corporate entities are acknowledged to have a legal right of corporate resistance in the form of a veto and, as a last resort, peaceful and legal secession from the union. But, from the time of the French Revolution, the liberal state has demonized the very thought of secession, declaring itself “one and indivisible.” In doing so, it has rejected the one constitutional instrument that could limit centralization in vast-scale modern states.

The attempt to secure individual liberty by vast-scale centralization would eventually lead to a spectacular loss of liberty. The modern liberal state, grounded in the autonomy of the individual, could not tolerate private ownership of labor, but, unhappily, for the same reason that it could not tolerate *any* independent social authority. However, by the logic of centralization inherent in all modern states, it would gradually accept *state ownership* of labor in the form of the income tax and universal conscription, both of which eighteenth-century monarchs found quite beyond their reach.

In 1861, the Czar abolished serfdom in Russia. By the 1880s, it had disappeared from the Western hemisphere. Yet, only 50 years later, new forms of *state-imposed* involuntary servitude, dwarfing the evils of nineteenth-century slavery and serfdom, would be instituted. Nearly three times as many men would die on the battlefield of World War I as there were slaves in the South. An equal number would be mutilated, the result being early deaths for many. Most were conscripts of the state. Slavery is evil because one man owns the labor of another. But what are we to say when the state centralizes power to the point where it can not only conscript the labor of its so-called “citizens,” but can use them for cannon fodder as well? Not even the worst pagan gods demanded such human sacrifice as was offered up in World War I.

Liberty Classics, 1993). See also A.J. Conyers, *The Long Truce: How Tolerance Made the World Safe for Power and Profit* (Dallas: Spence Publishing, 2001).

War, however, has not been the worst crime of the centralized modern state. R.J. Rummel has pointed out that modern governments have killed nearly *four* times as many people under their own jurisdiction as have been killed in all twentieth-century wars, both foreign and domestic.⁵⁹ After World War I, *state slavery* suddenly reappeared in modern states. In only two generations, tens of millions would perish in slave camps, overshadowing the 11 million Africans brought to the Western Hemisphere in four centuries of the slave trade, about five percent of whom ended up in North America. And this new and more brutal form of slavery would be the work not only of fascist regimes such as those of Hitler and Tojo, but also of Marxist regimes that raised high the banner of human freedom around the world, and for 70 years would have the support of “fellow travelers” at the highest level of liberal regimes. Even now, there are no public monuments to these holocausts in liberal regimes.

The American Model of Decentralized Liberty

While the unitary state of the French Revolution would become the dominant political fashion of Europe, a quite different model emerged from the American Revolution. Whereas the French Revolution was a struggle by the bourgeoisie to control and augment the power of the center, the American Revolution was really a war of secession by the periphery from the center. The French model was designed to secure liberty by centralization; the American to secure liberty by decentralization. Very early, Madison crafted the doctrine of state interposition, and Jefferson the doctrine of state nullification. Calhoun developed these ideas into America’s first systematic political philosophy, *A Disquisition on Government*. Lord Acton, who was greatly concerned with the problem of how to limit the centralization of power in a modern state, included the *Disquisition* in his list of the 100 most important books ever written. He also praised the Confederate Constitution, which he viewed as the perfection of the American decentralist tradition rooted in the Declaration of Independence.⁶⁰

⁵⁹R.J. Rummel, *Death by Government* (New Brunswick, N.J.: Transaction Publishers, 1994).

⁶⁰For Lord Acton’s support of the Confederacy, see his “Political Causes of the American Revolution,” “The Civil War in America: Its Place in History,” and “Acton-Lee Correspondence,” in John Acton, *Selected Writings of Lord Acton*, ed. Rufus Fears (Indianapolis, Ind.: Liberty Classics, 1985).

Anyone who wants to know why the South seceded need only read the Confederate Constitution. It abolished the slave trade and, unlike the U.S. Constitution, required legislation to enforce the ban. In fact, Jefferson Davis's first veto was a bill allowing the sale of slaves from a captured Yankee slave ship. Further, the Confederate Constitution allowed the entrance of non-slaveholding states. Marshall DeRosa has shown that the instrument was designed to prevent the centralization⁶¹—and with it the patronage and plunder at the center—that was the goal of Lincoln's "American system." The right of secession was acknowledged in the explicit declaration that each state retains its "sovereignty and independence." Had the Confederate States of America survived, the world would have had the model of a vast-scale federative polity with a strong central authority explicitly checked by the ultimate right of a state to secede.

Acknowledgment of this right would have compelled the central authority to respect the vital interests of the federative polity's distinct *political cultures* to such a degree that the right of secession would likely never have been exercised. But where great interests clashed, secession would have been a *legal* remedy. In a world of vast modern states, secession would be the moral alternative to a war of centralization and unification. This Confederate principle of civility for macro political order, rooted in the Declaration of Independence, was too advanced for its time, as many in the nineteenth century thought that liberty required unification. But after two world wars and totalitarian revolutions of unmatched brutality, modern states were exhausted and demoralized.

Great empires were relinquished, and there was no military resistance when fifteen republics peacefully negotiated a secession from the Soviet Union in 1990, hitherto the most centralized power in history. These secessions occurred 70 years after the founding of the Soviet Union. This was exactly the same period of time (1790–1860) after which eleven American states seceded from the Union described by Washington in his Farewell Address as an "experiment" that should be given a fair chance. By 1860, it should have been clear that the experiment had failed and should be suspended.

Nobel laureate James Buchanan has urged that the European Union write into its treaties the explicit right of a member state to secede. So far, this has not happened, but one day, the world may rise to the moral

⁶¹Marshall DeRosa, *The Confederate Constitution of 1861* (Columbia: University of Missouri Press, 1991).

understanding of the Confederate Founders. Just as individuals need libertarian principles, so too do political units in vast-scale modern states need them. To be sure, these smaller units can be oppressive to the individual, but they also provide a buffer against greater centralization.

Ocean-going vessels are divided into compartments so that the vessel does not sink if the hull ruptures. For this reason, perhaps, Nobel laureate F.A. Hayek, surveying the monster states of his time, once suggested that individual liberty in the future would best flourish in small states. But in the current artificial world of vast states created by the liberal tradition, small states cannot emerge in a civil way unless the right of secession is first acknowledged. We can, of course, raise nice questions about the conditions for exercising this right, but they cannot be explored unless we abandon the liberal superstition that the state is “one and indivisible.”

Lincoln's Legacy of Centralized Liberty

Lincoln and the Republican Party chose the path of unification through war, and in doing so abandoned the great moral principle of the Declaration of Independence: the right of “one people to dissolve the Political Bands which have connected them with another.” The Southern people assembled to gain their independence like the gathering of Highland Clans. Those who had been pro-union and opposed secession on policy grounds nevertheless believed in the right of secession and closed ranks to resist invasion. Of Southern white males of military age, three-fourths served in uniform, one-fourth were killed, and probably an equal number were mutilated physically and mentally. No country in World War II suffered casualties of that magnitude in proportion to its population.

Having failed to win the war after two years, Lincoln broke the international moral code of war and turned it against civilians. Sherman acknowledged that he was guilty of war crimes punishable by death according to the laws of war taught at West Point.⁶² Vast areas of the South were turned into desert, and two-thirds of Southern property was destroyed, not counting the cost of slaves. When the war ended, the South was utterly prostrate, its economy destroyed, its money worthless, its Confederate debt declared null and void.

⁶²On the Lincoln administration and war crimes, see Adams, *When in the Course of Human Events*, pp. 109–25.

Unknown thousands died of starvation and of disease from weakened bodies—something our nationalist Court historians have been shy to explore. Consider the 1866 Congressional testimony of Chief Justice William Sharkey of the Mississippi Supreme Court. Starkey had been pro-Union before the war, was appointed Reconstruction governor of Mississippi by President Andrew Johnson, and led the convention of the people of Mississippi in abolishing slavery before the Thirteenth Amendment was adopted.

I believe that there are now in the State very little over half the number of freedmen that were formerly slaves—certainly not more than two thirds. They have died off. There is no telling the mortality that has prevailed among them; they have died off in immense numbers.⁶³

It is sobering to think that when we include civilian casualties, considerably more people were killed in the South from Lincoln's invasion to establish Henry Clay's centralized "American system" than the total number of Americans killed in World Wars I and II combined—a disproportionately large number of whom were Southerners. The greatest threat to human life in the South has not been Hitler, Tojo, or the Kaiser, but the central government of the United States. The war shocked Europe. It was not only the bloodiest of modern times, but, in turning war against civilians, it was also the greatest atrocity of the nineteenth century.

To grasp this, suppose today that all states west of the Mississippi should secede and form a Western confederacy. What moral judgment would we make if the Eastern states should invade the Western confederacy and inflict on it the casualties and destruction the government of the United States inflicted on the South? Such a war would rightly be denounced as evil, and its perpetrators guilty of war crimes. To dignify the invasion and destruction of the South by a white supremacist North as a holy crusade to abolish slavery is a foundational myth of American liberalism that morally corrupts everyone it touches.

TOWARD A LIBERTARIAN HISTORIOGRAPHY OF THE WAR

Nearly all American historiography after 1865 is *nationalist* and based on the moral assumption that, at all cost, the Union should have

⁶³Hans L. Trefousse, ed., *Background for the Radical Construction* (Boston: Little Brown, 1970), p. 29.

been preserved. In the nineteenth century, the heyday of empire and wars of unification and consolidation, an American empire might have seemed something worth trying. Since then, though, we have learned through fatal experience about the evils that follow from vast-scale modern states.

Libertarians should initiate a new historiography rooted in the moral proposition that secession in 1860 was morally correct, and was the only rational and humane solution to all the problems confronting the federation at the time. When two men are about to come to blows, it is best to separate them. To write history from the assumption that the peaceful dissolution of the Union in 1860 was a good thing—nationalists, after all, assume that the dissolution of the Union under the Articles of Confederation was a good thing—would bring to light a vast array of facts, moral possibilities, and spectacular moral losses hitherto hidden from view. And it would open up political possibilities that are today closed off because the limits of politics are, in large part, the limits of historical self-understanding.

Four examples of this new libertarian revisionist history are worth mentioning. Thomas DiLorenzo, in *The Real Lincoln: A New Look at Abraham Lincoln, His Agenda, and an Unnecessary War*, explores the mercantilist and imperialist motives behind Lincoln's decision to invade the South.⁶⁴ Charles Adams argues, in *When in the Course of Human Events*, that the North invaded because it could not tolerate the South's policy of free trade and low tariffs. Jeff Hummel's near-classic work *Emancipating Slaves, Enslaving Free Men* makes a convincing case for the hard moral line put forth by Northern abolitionists that secession was the best method of eliminating slavery. John Remington Graham's forthcoming *A Constitutional History of Secession*⁶⁵ argues that the Anglo-American legal tradition implies a right of secession.

A lack of moral imagination prevents us from even entertaining the thought that peaceful secession in 1860 would have been a positive step forward; this lack of moral imagination is a disability brought on by more than a century of state-enforced nationalist propaganda. How, might we ask, could there be two unions in a land "from sea to shining sea"? Old nineteenth-century nationalist habits are hard to break even

⁶⁴Thomas DiLorenzo, *The Real Lincoln: A New Look at Abraham Lincoln, His Agenda, and an Unnecessary War* (Roseville, Calif.: Prima, 2002).

⁶⁵John Remington Graham, *A Constitutional History of Secession* (forthcoming).

when their rationale has vanished. But suppose the U.S. had conquered Canada, as was required by “Manifest Destiny” and was attempted on at least two occasions. Suppose now that the “Canadian States,” in legally called conventions of the people, should vote by large majorities to secede, leaving Alaska disconnected from the continental United States. One can hear the objections. Such an arrangement could never work. Canada would not be viable. What about defense? There would be constant war between the two states, as in Europe. And what about detached Alaska? Of course, the arrangement works quite well. Both countries stretch from sea to shining sea, and disconnected Alaska is as much a part of the U.S. as is any other state, contiguous or not. In fact, the actual horrors that followed from suppressing secession and the subsequent massive centralization have dwarfed every possible scenario marshaled to exhibit the horrors that would have followed from peaceful secession.

Confederate Vice President Alexander Stephens had been a unionist who nevertheless believed in a state’s right of secession. After the war, as he looked to the future, he saw a dark era of consolidationism, what we would later know as totalitarianism. And he took comfort in the fact that the South had not only resisted the modern state’s drive to centralize power but, in its own constitution, had framed principles to prevent it. Echoing the language of Jefferson and the Anti-Federalists, he said

Depend upon it—there is no difference between Consolidation and Empire; no difference between Centralism and Imperialism. . . . If the worst is to befall us; if our most serious apprehensions and gloomiest forebodings as to the future, in this respect, are to be realized; if Centralism is ultimately to prevail; if our entire system of free Institutions as established by our common ancestors is to be subverted, and an Empire is to be established in their stead; if that is to be the last scene in the great tragic drama now being enacted: then be assured, that we of the South will be acquitted, not only in our own consciences, but by the judgment of mankind, of all responsibility for so terrible a catastrophe, and from all the guilt of so great a crime against humanity!⁶⁶

Stephens simply could not conceive that future consolidationism would have to answer for such great crimes against humanity. Nor could he realize how long it would take for historians to free themselves from the

⁶⁶Alexander Stephens, *A Constitutional View of the Late War Between the States* (Harrisonburg, Va.: Sprinkle Publications, 1994), vol. 2, p. 669.

legitimizing myths and ideologies in which consolidationism has wrapped itself.

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A PLAIN FOLK PERSPECTIVE ON RECONSTRUCTION, STATE-BUILDING, IDEOLOGY, AND ECONOMIC SPOILS

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If, as Richard O. Curry writes, “the politics of the Civil War and Reconstruction ought to be considered as a unit,”¹ then the politics of Reconstruction began the moment that Abraham Lincoln and other Northern leaders chose war over the Lower South’s secession.

WAR, POLITICS, AND PEACE

Lincoln’s delusion that the South was full of Unionists loyal to the government over which he presided emboldened him to call for volunteers to suppress “combinations” too numerous to be dealt with by normal judicial processes. His call precipitated most of the Upper South into secession, and Kentucky proclaimed its neutrality if war should break out between the two federations.

Only swift federal coercion held Maryland, along with parts of Kentucky and Missouri, for the Union. Many in the North were hesitant to risk war, especially when they could not find a Constitutional power whereby the general government could coerce whole states. For a time, Northern Democrats even discussed setting up a Middle Atlantic confederation, since the old Union had evidently outlived its usefulness.²

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¹Richard O. Curry, “The Civil War and Reconstruction, 1861–1877: A Critical Overview of Recent Trends and Interpretations,” in *Beyond the Civil War Synthesis: Political Essays of the Civil War Era*, ed. Robert P. Swieringa (Westport, Conn.: Greenwood Press, 1975), p. 33.

²See William C. Wright, *The Secession Movement in the Middle Atlantic States* (Cranbury, N.J.: Fairleigh Dickinson University Press, 1973).

Thus, we must examine Reconstruction from the moment the North decided to “save the Union” by force, beginning with the conquest of the first square mile of Confederate territory. As such, the study of Reconstruction involves studying the war itself. If, as Clausewitz famously said, war is the continuation of politics by other means, then “peace” is the continuation of war by other means. As Murray Rothbard put it:

since the State arrogates to itself the monopoly of violence over a territorial area, so long as its depredations and extortions go unresisted, there is said to be “peace” in the area, since the only violence is one-way, directed by the State downward against the people.³

Taken together, the “Civil War” and Reconstruction provide ample confirmation of Rothbard’s view. Historians often overlook the way in which, historically speaking, state power plays out on a sort of continuum whose extremes are peace and war. The goals and methods of state-level actors are similar on either end of this spectrum, even if, in war, more is at stake, since opponents threaten the state’s very existence. Hence, to meet a crisis, a state arrogates more and more power to itself, power it is loath to relinquish after the crisis ends. This also applies to the state’s opponents if they, too, are organized as a state.

An unopposed state, at “peace,” is concerned with exploiting its territorial domain at “normal” rates. As Jeffrey Rogers Hummel puts it, “The territory constituting the United States is in a very real sense already conquered—by the United States government.”⁴ In Reconstruction, a state which had just saved itself from dismemberment sought to make its victory permanent. At the same time, interest groups, politicians, and bureaucrats allied with, or part of, that state sought to benefit personally and perpetuate their rule indefinitely.

CHANGING INTERPRETATIONS OF RECONSTRUCTION

No new facts on Reconstruction have come to light in recent decades. Nonetheless, the interpretation of the period has changed

³Murray N. Rothbard, “War, Peace, and the State,” in *Egalitarianism as a Revolt Against Nature, and Other Essays* (Auburn, Ala.: Ludwig von Mises Institute, 2000), pp. 121–22.

⁴Jeffrey Rogers Hummel, “National Goods vs. Public Goods: Defense, Disarmament, and Free Riders,” *Review of Austrian Economics* 4 (1990), pp. 96–97.

dramatically.⁵ The older interpretive school, named for William Archibald Dunning and popularized by Claude Bowers, sympathized with white Southerners and saw Reconstruction as a period during which Northern interlopers, con artists, and fixers allied with vengeful ex-slaves and propped up by federal bayonets took control of civil government in the South in order to loot and pillage a country already ravaged by war. The opponents of Reconstruction—the Redeemers, Conservatives, or Democrats—rescued the South from this ordeal through electoral efforts and irregular means amounting to low-intensity guerilla war.⁶ Almost alone, the black Marxist scholar and activist W.E.B. DuBois set out a defense of Reconstruction which saw it as a period of potential interracial democracy and radical reform.⁷

By the 1930s, historians began revising the work of the Dunning School. Francis Butler Simkins, a Southerner, pioneered “balance” in the field. Southern historian C. Vann Woodward reinterpreted the Redeemers and the New South, implicitly reading New Deal ideology back into the second half of the nineteenth century. Here, “business”—rather monolithically conceived—elbowed aside pre-capitalist Old South planters and defeated their other opponents, Populist yeomen, workers, and so on.⁸

After World War II, Northern “neo-abolitionist” historians like Kenneth Stampp, John Hope Franklin, and Richard Current up-ended the older reading. The Redeemers were deemed vicious agents of former slaveholders bent on aborting the Republican Party’s much-needed social revolution in the South. Had this revolution succeeded, they argued, the civil rights movement of the 1950s and ’60s would have

⁵Thomas J. DiLorenzo, “Reconstructing America: The Consolidation of State Power, 1865–1890,” *Journal of Libertarian Studies* 16, no. 2 (Spring 2002).

⁶See Claude Bowers, *The Tragic Era* (Cambridge, Mass.: Riverside Press, 1929); William A. Dunning, *Reconstruction: Political and Economic, 1865–1877* (New York: Harper & Brothers, 1907); William A. Dunning, *Essays on the Civil War and Reconstruction* (New York: Harper & Row, 1965); Walter L. Fleming, *Civil War and Reconstruction in Alabama* (Spartanburg, S.C.: The Reprint Company, 1978), regarded by many as the best work done by a Dunning School historian; and Avery Craven, *Reconstruction: The Ending of the Civil War* (New York: Holt, Rinehart, & Winston, 1969).

⁷W.E.B. DuBois, *Black Reconstruction in America* (New York: Harcourt, Brace, 1935).

⁸C. Vann Woodward, *Origins of the New South, 1877–1913* (Baton Rouge: Louisiana State University Press, 1951).

been unnecessary. The pro-Reconstruction tide swelled until it swept all before it, as we see in Eric Foner's work.⁹

Alongside the neo-abolitionist revisionists, American historians influenced by Marxism have studied the origins of the New South, debating whether "pre-bourgeois" planters had retained political power and put the South on a sort of regional "Prussian Road to Capitalism" limited only by its colonial relationship to the national, capitalist economy.¹⁰ Lately, there are signs of a "post-revisionism" in the study of Reconstruction, which seeks to rein in revisionist excesses. We might also think of certain economic historians who write about the New South as contributing, albeit loosely, to post-revisionism.¹¹ Unfortunately, Reconstruction "post-revisionism"—to the extent that such a school exists—may resemble Cold War "post-revisionism" in its failure to produce a new synthesis. Further, the two situations differ in that, with respect to the Cold War, we find orthodox historians claiming to assimilate a few valid insights from a minority of revisionists, while in the case of Reconstruction, we find a few historians making minor adjustments to the victorious revisionist picture. Finally, scores of specialized studies of the Southern plain folk, or yeomen, and poor whites have enlightened us in detail, although, at the same time, they have complicated the picture of Reconstruction.¹²

THE WAR AND ITS CONTINUATION BY OTHER MEANS

Despite the apparent revisionist victory, the matter remains contested. For example, we may still profitably ask, "What was Reconstruction about?" Was it a struggle for *empire*—a continuation of the

⁹Eric Foner, *A Short History of Reconstruction* (New York: Harper & Row, 1990). It is interesting, at least, that the now-dominant revisionist view of Reconstruction corresponds, in detail, to the communist interpretation put forth in the 1930s. See James S. Allen, *Reconstruction: The Battle for Democracy* (New York: International Publishers, 1937).

¹⁰Jonathan Wiener's *Social Origins of the New South: Alabama, 1860–1885* (Baton Rouge: Louisiana State University Press, 1978), is representative of the school, which is heavily indebted to Barrington Moore, Jr.'s, *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World* (Boston: Beacon Press, 1966).

¹¹One might mention here Robert Higgs, *Competition and Coercion: Blacks in the American Economy, 1865–1914* (Chicago: University of Chicago Press, 1977).

¹²I will say more about this directly.

late war by other means—or was it indeed a premature civil rights movement? For that matter, now that the dust has settled, one might ask if the civil rights movement itself was partly implicated in a modern struggle for empire?

The answers to these questions depend substantially on one's view of what the war of 1861–1865 was all about. Many historians tell us that the Southern states—dominated from top to bottom by a narrow elite of slaveholding planters—seceded in a “crisis of fear” about the future of their slave property.¹³ Other historians argue that, on the contrary, a confident, prosperous South not exactly in thrall to the Howell Cobbs undertook secession for a combination of reasons. One was the prior thirty-year “cold war” between North and South, while another was the protective tariff. Southerners believed that free trade would increase their prosperity by eliminating the massive tribute paid to Northern industry.¹⁴

Certainly, the fear of lost tariff revenue was decisive in Lincoln's decision to risk war. Key Northern business interests campaigned for war once they discovered the enormous gap between Union and Confederate tariff rates, raising the nightmarish specter of the South's engrossing the Atlantic trade while ceasing to patronize Northern industry at protected prices. There is an exact parallel with England's 1707 incorporation of Scotland via the treaty of union (immediately violated) to head off Scottish development through free trade.¹⁵

Another matter worth considering is the contrast between Northern and Southern views of the Union. Contrary to the Northern historiography, which suggests a “Great Reaction” whereby Southerners

¹³See, e.g., William L. Barney, *The Road to Secession: A New Perspective on the Old South* (New York: Praeger, 1972).

¹⁴On Southern confidence, see, for example, William J. Cooper, Jr., “The Cotton Crisis in the Antebellum South: Another Look,” *Agricultural History* 49 (1975), pp. 381–91. Clifford Dowdey discusses the North-South cold war in *The Land They Fought For* (Garden City, N.Y.: Doubleday, 1955). Charles Adams emphasizes Southern dreams of prosperity grounded on political independence and free trade in *When in the Course of Human Events: Arguing the Case for Southern Secession* (Lanham, Maryland: Rowman and Littlefield, 2000).

¹⁵On Scotland, the treaty, and free trade, see Immanuel Wallerstein, *The Modern World System II: Mercantilism and the Consolidation of the European World-Economy, 1600–1750* (New York: Academic Press, 1980), p. 252.

invented the compact theory of the Union solely to protect slavery, there is substantial evidence of a straight-line continuity in Southern thought growing out of republican theory. Rather, it was the North that departed from the original understanding of federalism and the Union, embracing instead a democratic and Romantic unitary nationalism grounded on the notions of a single American people and an unbreakable Union.¹⁶

In the early nineteenth century, Americans North and South considered the Union an experiment, an arrangement of instrumental value to be modified, if necessary, for the happiness of its constituents.¹⁷ In time, Northerners came to see the Union as a primary value to which almost everything else should be sacrificed. Yet, Northern hesitation remained, as Marshall DeRosa's collection of Congressional speeches on secession reveals.¹⁸ Lincoln's decision to collect revenue by force set the stage for war. Jefferson Davis's impatient decision to bombard Fort Sumter gave Lincoln a *casus belli* by galvanizing Northern opinion in a way that months of Northern internal discussion had not.

Foner writes that when President Grant sent extra soldiers into South Carolina in 1871–1872 to put down Klan outrages, he was only trying to enforce “the rule of law.”¹⁹ One could as easily assert that the rule of law died the day Lincoln called for volunteers to suppress rebellious “combinations.” The theory on which Lincoln conducted his war obscured important questions. If his theory was sound, then there was no legal basis for arresting even one *civil* official of any Southern state at war's end. It was absurd to claim that the secession

¹⁶Walter Kirk Wood, “Rewriting Southern History: U.B. Phillips, the New South, and the Antebellum Past,” *Southern Studies* 22, no. 2 (Fall 1983), pp. 217–43; and W.K. (Kirk) Wood, “The Central Theme: Republicanism, Not Slavery, Race, or Romanticism,” *Continuity: A Journal of History* 9 (Fall 1984), pp. 33–71.

¹⁷Kenneth M. Stampp, “The Concept of a Perpetual Union,” *Journal of American History* 65, no. 1 (June 1978), pp. 5–33; and Paul C. Nagel, *One Nation Indivisible: The Union in American Thought, 1776–1861* (New York: Oxford University Press, 1964).

¹⁸Marshall DeRosa, *The Politics of Dissolution: The Quest for a National Identity and the American Civil War* (New Brunswick, N.J.: Transaction Publishers, 1998).

¹⁹Foner, *A Short History of Reconstruction*, p. 197.

conventions had not represented majority opinion (albeit by slight margins, in some cases), or that the Southern states had ceased to have “republican forms of government” merely because they disagreed with the President of their former federation as to that union’s character.

Slavery undeniably played a role in secession. Planters feared for the long-run safety of their labor system, to be sure, and some took an active role in secession. Other planters believed themselves safe enough and argued that a war—if it came to that—would risk the overthrow of slavery. Southerners thought they spied a total threat to *all* their values in the sectional Republican Party.²⁰ They found its post-millennial, reforming zeal as unappealing as its thoroughgoing espousal of the Federalist/Whig political economy of American mercantilism. Distaste for that program was separable from, and would even outlive, the slavery question.

The Republican Party program seemed a threat to republicanism and local self-government, and one which foretold irresponsible, centralized rule (“empire”) and, with it, the possibility of slave emancipation by decree. The latter would entail a period of racial upheaval and readjustment, which the Southern “plain folk”—the non-slaveholding yeomen and small-scale slaveholders—were in no hurry to embrace. These considerations better explain the plain folk’s early support for the Confederate enterprise than does the old hypothesis of diabolically clever manipulation by slaveholding oligarchs.²¹ The reactions of the plain folk to Confederate policies would prove important in the war, and probably decisive in Reconstruction. We shall return to them shortly.

THE INCONVENIENCES OF TOTAL WAR

Conventional thinkers, whether liberal, conservative, or socialist, share the notion that wars, in and of themselves, are morally and psychologically neutral, and may actually improve people. What matters in determining the moral character of a war is whether the good side or the bad side won. According to this reading, the “Good” can

²⁰Joel H. Silbey, *The Partisan Imperative: The Dynamics of American Politics Before the Civil War* (New York: Oxford University Press, 1985), pp. 166–89.

²¹See J. Mills Thornton, III, *Politics and Power in a Slave Society: Alabama, 1800–1860* (Baton Rouge: Louisiana State University Press, 1978); and Michael P. Johnson, *Toward a Patriarchal Republic: The Secession of Georgia* (Baton Rouge: Louisiana State University Press, 1977).

legitimately use whatever methods help them prevail, while the “Bad” cannot legitimately use any means at all. Conservatives of a type admire the sturdy patriotic virtues of the serried ranks marching off to be slaughtered; liberals and socialists love the self-sacrifice and social solidarity—and state-building—that wars entail.

There is a current tendency to claim that the notion of “total war” is unscientific and methodologically unsound. If the idea of total war got abroad, after all, people might start wondering about several wars in which Good prevailed over Bad by any means necessary. Questions might be asked, pointing toward a general critique of wars and the states that wage them.²²

Accordingly, there are those who are at pains to minimize the damage done to the South during the Good War of 1861–65. However, even if they had no name for it, Sherman and his colleagues acted on the theory of total war. Some have made comparisons to the devastation of Germany in the Thirty Years War, or to that of Belgium in World War I. Some 620,000 men died in the war, which helps explain why it is not as remote to most Americans as, say, the Wars of the Roses. The losses were proportionately greater for the South, with its smaller population. Approximately ten percent of the pre-war population perished, comparable to the losses suffered by Greece in World War II or Mexico in the Revolution of 1910–1928. It was a demographic and social disaster which can appear negligible only to those who adopt what Jeffrey Hummel calls “the Hitler-Stalin-Mao” standard of comparison.²³

In the South, the plain folk did most of the dying, a point to which we shall return. In the meantime, I pause only to suggest that wars do not in general *improve* people: for every individual ennobled by war, a great many more are brutalized. While there is no Gini-type scale for

²²For just this sort of questioning, see Martin Van Creveld, *The Rise and Fall of the State* (Cambridge: Cambridge University Press, 1999).

²³Edward P. Lawton, *The South and the Nation* (Fort Myers Beach, Fla.: Island Press, 1963), pp. 47–50; and Stig Förster and Jörg Nalder, eds., *On the Road to Total War: The American Civil War and the German Wars of Unification, 1861–1871* (Cambridge: Cambridge University Press, 1997). For a critique of total war, see Richard M. Weaver, “Southern Chivalry and Total War,” in *The Southern Essays of Richard M. Weaver*, ed. George M. Curtis, III, and James J. Thompson, Jr. (Indianapolis, Ind.: Liberty Press, 1987), pp. 159–70. On the “Hitler-Stalin-Mao” standard, see Jeffrey Rogers Hummel, *Emancipating Slaves, Enslaving Free Men: A History of the American Civil War* (Chicago: Open Court, 1996), pp. 267–68.

this, and no multivariate regression analysis can estimate such brutalization, we ought to keep it in mind in any assessing the costs of the war—economic, political, and psychological²⁴—and its sequel, Reconstruction. Mere grumbling about inveterate “racism” is not likely to get us very far.

THE STRUGGLE FOR OCCUPIED DIXIE

From the first re-conquests of Southern territory forward, the U.S. federal government had to formulate mechanisms for reincorporating the conquered into the Union. Belying his belief in downtrodden Unionist masses misled by a few oligarchs, Lincoln settled in the end for re-founding state governments on a “loyal” ten percent of their population. This “lenient” Presidential Reconstruction continued, after Lincoln’s assassination, under President Andrew Johnson.

Republicans had taken advantage of the South’s absence from Congress to enact the whole Whiggish program of American mercantilism: high tariffs, subsidies to favored businesses, a national banking system, and more. With the surrender of Lee and the capture of Davis, there were many in the Republican Party ready to profit in the “new frontier” of the prostrate South.

In 1866, Southern civil governments reconstructed on the easy plan held elections for Congress and the Senate. Under the official theory of the war, they had every right to participate in the Saved Union. The Thirteenth Amendment, ratified by the required three-fourths of the states, including some reconstituted Southern states, had settled the matter of slavery. But emancipation had actually increased Southern representation in the House—with blacks now counted as whole persons rather than as three-fifths—and victorious Republicans were appalled to see their old enemies, the haughty planters barely out of gray uniforms, arriving to help govern the Union.

Even worse, the planters seemed to be trying to re-establish slavery in all but name via the Black Codes passed by the newly reconstituted Southern state legislatures. These draconian statutes restricted the mobility of labor so as to effect a return to plantation agriculture.²⁵

²⁴One interesting work on this subject, albeit not specifically about the U.S. Civil War, is John V. Denson, ed., *The Costs of War: America’s Pyrrhic Victories*, 2nd ed. (New Brunswick, N.J.: Transaction Publishers, 1999).

²⁵Theodore Brantner Wilson, *The Black Codes of the South* (University: University of Alabama Press, 1965).

The motivation, though inconsistent with market freedom, is understandable, but the laws seemed a deliberate affront to the Republicans. Interestingly, these statutes sought to control the freedmen's labor by mechanisms of licensing and regulation that modern liberals would find laudable in any other context.

Outraged Congressional Republicans were determined to reconstruct the South "properly" by means of a social revolution imposed by outside military rule and local collaborators.²⁶ Whatever it might do for the black freedmen, the program would—if successful—guarantee permanent Republican ascendancy via control of Southern state governments and Congressional seats.

Of course, such control required there to be Republican parties in those states, but the expected mass base of potential Republicans to be drawn from the plain folk and "poor whites" had proved rather small in most places. Only the disenfranchisement of most ex-Confederates and a corresponding enfranchisement of male freedmen could produce the needed electoral margin. That this would produce a palpable reaction was known from the start, but Republican Congressional Radicals expected federal occupation armies to maintain control.

As the Radicals moved to implement this program—refusing to seat Southern representatives and, with the help of the army, imposing new interim state governments—a clash with President Johnson, a product of the plain folk of Tennessee, was inevitable. Johnson was impeached, barely avoided being convicted, and was reduced to complete political ineffectiveness.

Among other things, the Radicals' program required a new theory of the late war. Senator Charles Sumner of Massachusetts argued that by even attempting to leave the Union, the Southern states had committed political suicide—and were thus *felo de se*—and were therefore conquered territories subject to Congressional authority. As part of its struggle to wrest control of Reconstruction away from the executive, Congress enacted the Reconstruction Act in late 1866. The Act divided the South into five military districts. In each state, with most white males disenfranchised (except for the "loyal" minority) and male freedmen voting, new constitutions would be drawn up. New legislatures would ratify the proposed Fourteenth Amendment, after which Congress would "readmit" the delinquent states into the

²⁶Elsewhere, I described this phenomenon as "social Bonapartism." See Joseph R. Stromberg, "The War for Southern Independence: A Radical Libertarian Perspective," *Journal of Libertarian Studies* 3, no. 1 (1979), p. 39.

Union. As historian Forrest McDonald has lately noted, this was wonderfully inconsistent: "By that means, the southern states were forced to ratify the amendment, though the same laws that required them to do so declared that they were not legally states."²⁷

The new state governments, created on the basis of the Congressional majority's ad hoc theory, rested on a coalition of so-called "carpetbaggers," "scalawags," and freedmen. Carpetbagger was a derisive term referring to Northern businessmen, professionals, former officers, teachers, etc., who went South to make their fortunes, to uplift the downtrodden, or for other reasons. Revisionists extol them as philanthropists and constructive statesmen, arguing they were no more "corrupt" than their counterparts in Northern state governments (an interesting standard indeed). Scalawags were local collaborators, so to speak, i.e., native-born Southern Republicans. They came largely from the plain folk or poor whites, although a few men of wealth and prominence were in their ranks, most notably former Georgia Governor Joseph E. Brown.²⁸ Finally, the freedmen provided the Republican Party with a large, potentially loyal, voting bloc. Black Republican leaders came from the freedmen as well as from the pre-war class of free Negroes.

Revisionist historians of Reconstruction downplay charges of corruption laid at the feet of the Republican regimes in the South. Foner's work on Reconstruction emphasizes the idealism and egalitarianism of the Radical Republican program as expressed by Thaddeus Stevens, Charles Sumner, and George Julian, but on his own presentation he comes close to proving that Republicans in the South mostly succeeded in selling railroad bonds to one another, bonds which the taxpayers would have to redeem down the road.²⁹

Certainly there was, as Steven V. Ash writes,

the growing conviction among northerners that the South's backward social system was the root cause of the rebellion and therefore must be reconstructed in the image of the modern, bourgeois North.³⁰

²⁷Forrest McDonald, *The States and the Union* (Lawrence: University Press of Kansas, 200), p. 213.

²⁸See Derrell C. Roberts, *Joseph E. Brown and the Politics of Reconstruction* (University: University of Alabama Press, 1973).

²⁹Foner, *A Short History of Reconstruction*, pp. 164–65.

³⁰Stephen V. Ash, "Poor Whites in the Occupied South, 1861–1865," *Journal of Southern History* 57, no. 1 (February 1991), p. 47.

Perhaps so, but there were real practical and ideological limits to the Republicans' social Bonapartism. As James A. Rawley has written,

Republicans were concerned less about black skins than their own. If historians have sometimes misunderstood this reality, so too did contemporary southerners. Southerners were concerned less about slavery than racial supremacy.³¹

This was the Republicans' pre-war posture, and while the war changed much, it did not change that.

Their program, idealistic or not, involved reforms in the South which had never existed in most of the North, and which, if they were implemented, would mainly impact the South, given the distribution of the black population. At most, the Fourteenth Amendment sought to make the Radicals' Civil Rights Act (1866) constitutional, thereby protecting nationally a shortlist of rights for the freedmen.³² The real bearing (so to speak) of the Fourteenth Amendment emerges from the clause allowing Congress to reduce "the basis of representation" of any state violating its provisions. This suggests that the Republicans were more interested in controlling the South's elections or, failing that, striking back by reducing Southern representation in Congress.

Some have said that America had a revolution which was really a civil war and a civil war which was really a revolution. On this view, Reconstruction was an attempt to define the achievements and limits of that revolution. If the Republicans' social Bonapartism proved feeble in the end, this does not mean that there was not some kind of revolution. There was, but it was a revolution in the relation of Americans and their states and localities to the federal government, which could now claim to be truly national and sovereign.³³

³¹James A. Rawley, *Race and Politics: "Bleeding Kansas" and the Coming of the Civil War* (New York: J.P. Lippincott, 1969), p. 274. On the racial views of the Republicans, see also Eric Foner, "The Republicans and Race," chap. 8 in *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (New York: Oxford University Press, 1970), pp. 261–300. For pioneering antebellum Northern efforts at legal segregation, see Leon F. Litwack, *North of Slavery: The Negro in the Free States, 1790–1860* (Chicago: University of Chicago Press, 1961).

³²See Raoul Berger, *Government by Judiciary: The Transformation of the Fourteenth Amendment* (Cambridge, Mass.: Harvard University Press, 1977).

³³Richard Franklin Bensel, *Yankee Leviathan: The Origins of Central State Authority in America, 1859–1877* (Cambridge: Cambridge Univ. Press, 1990).

WHITE SOUTHERNERS CONTINUE THE WAR BY OTHER MEANS

In the end, it was not the relative weakness of the Yankees' radicalism which led to its defeat, but the active resistance and sabotage of white Southerners. Southern resistance led to frequent clashes with Northern occupation soldiers and black militias, especially around election time. Richard E. Rubinstein writes that, "using classical guerilla hit-and-run techniques and supported by a probable majority of the white population, the rebels were entirely successful." With reasonably pinpointed violence directed at carpetbaggers, scalawags, and black and white supporters of the new governments, Southerners "put sand in the gears of the [Yankee] pacification machine," to use John Shy's phrase describing partisan warfare during the American Revolution.³⁴ Rubinstein writes that

[b]y supporting K.K.K. activity both passively and actively, white southerners told the North, in effect: "We will accept military defeat, legal union, even economic and political dependence upon the more powerful section; but we will *not* accept military occupation, rule by outsiders or a managed social transformation *on our own home grounds*."³⁵

While he can see why it came about, Rubinstein seems appalled by this low-intensity political-guerrilla "war." By contrast, Richard M. Weaver writes that "[s]ome of the means, for example the Ku Klux Klan, were irregular, but essentially it was the political genius of Jefferson, of Washington, of Madison, and of Pinckney expressing itself in times of trouble and oppression."³⁶ If the Dunning School historians glossed over the methods used to stop Reconstruction in practice, Foner and the revisionists spend much time denouncing such

³⁴Quoted in William F. Marina, "Revolution and Social Change: The American Revolution as a People's War," *Literature of Liberty* 1, no. 2 (April-June 1978), p. 26.

³⁵Richard E. Rubinstein, *Rebels in Eden: Mass Political Violence in the United States* (Boston: Little, Brown, 1970), pp. 69–70, emphasis in original.

³⁶Richard M. Weaver, "The South and the American Union," in *The Southern Essays of Richard M. Weaver*, p. 249. I assume that readers of this journal know that the Klan referred to here did not have the "pan-racist" agenda targeting blacks, Jews, and Catholics which we associate with the organization founded in 1915 by Dr. Simmons at Stone Mountain, Georgia. The original Klan's purpose, rightly or wrongly, was to defeat Reconstruction and drive out foreign occupiers.

methods as atrocities. Yet, to expect a people brutalized by war, rather than improved and ennobled by it, to placidly accept outside occupation, domination, and what seemed a perilous social revolution is quite unhistorical.

State by state, the so-called “Redeemers” took power from their enemies. Despite revisionists’ complaints that the Redeemers, too, were corrupt, *their* governments were cheaper to keep up—a point to which we shall return. Under the new order, Northern politicians had to weigh the costs of endless military occupation and, perhaps, another kind of war. In the election of 1876, they made a “deal” with their Southern counterparts which effectively ended Reconstruction and removed federal troops from the last three occupied states, Florida, South Carolina, and Louisiana. In all these events, the yeoman farmers of the South played a key role.

THE SOUTHERN PLAIN FOLK: THE SWING FACTOR IN WAR AND PEACE

Scholars in the field do not yet have an agreed upon Weberian ideal type specifying the outstanding characteristics of the white Southern “plain folk.” Provisionally, I define them here as independent, property-owning farmers and herdsmen. All would have owned some land, but I use the words “property-owning” to underscore the possibility that some who owned relatively little land nonetheless owned a great many animals under the Old South’s open-range system. Overall, this class could be called yeomen. As such, they correspond to the broad middle group of armed property-owners so central to republican theory. Not surprisingly, they tended to embrace that ideology. Most plain folk would not have been slave-owners, and those who were owned only small numbers of slaves.

In the 1950s, Frank L. Owsley and his disciples sought to demonstrate the importance and independence of this class in the Old South.³⁷ Critics of the Owsley School defended the notion of planter hegemony, denying that the plain folk enjoyed effective economic or political independence. Arguing in terms of acreage and land quality, the critics sometimes proceeded as if they believed that scientific

³⁷Frank L. Owsley, *Plain Folk of the Old South* (Baton Rouge: Louisiana State University Press, 1982). An interesting, newer collection in the Owsleyite tradition is Samuel C. Hyde, Jr., ed., *Plain Folk of the Old South Revisited* (Baton Rouge: Louisiana State University Press, 1997).

statements of the type “1 acre of class 1 land = 25 foot-pounds of political power” exist and can be “tested.” Historians influenced by Marxism merely referred, ritualistically, to “relations of production” and “market penetration.”

The social weight of the plain folk—the problem of whether they were, or even came near being, the broad middle rank called for by republican theory—is probably best decided by other methods. Certainly, the democratization of the Southern states in the Jacksonian period,³⁸ with the noteworthy exceptions of Virginia and South Carolina, meant that Southern politicians, whether slaveholders or professionals, must pay due attention to the yeomen’s opinions. The Jackson-era reforms created a situation in which even landless white Southern males, tenants and mechanics, had suffrage.

Kinship ties existed between the plain folk, poor whites, and planters. As any genealogist knows, people in the nineteenth-century South tended to find marriage partners within three or four contiguous counties, and that, given the size of the population, often married second, third, or fourth cousins. This complicates the pattern of patron-client relations within the Southern white population, but may not prove or disprove the thesis of planter political dominance (hegemony). Marxist historian Eugene D. Genovese, a noted proponent of the notion of decisive slaveholder dominance in Southern life and politics, nevertheless writes that the plain folk were “touchy, proud people who hardly specialized in groveling.” Bertram Wyatt-Brown notes that, as independent, armed people with their own code of honor, the plain folk were hardly pushovers for manipulation by their social betters. Finally, the fact that wealthier members of the plain folk participated in the “system” by owning slaves (typically around five to twelve) likely contributed to their willingness to follow leaders drawn from the class of wealthy planters. John Solomon Otto notes that “[a] quarter of all southern families owned slaves, but only 7 percent of these families held more than ten slaves—the bare minimum for inclusion in the planter class.”³⁹

³⁸Charles S. Sydnor, *The Development of Southern Sectionalism, 1819–1848* (Baton Rouge: Louisiana State University Press, 1948), pp. 275–93.

³⁹Eugene D. Genovese, “Yeoman Farmers in a Slaveholders’ Democracy,” in *Fruits of Merchant Capital: Slavery and Bourgeois Property in the Rise and Expansion of Capitalism*, ed. Eugene D. Genovese and Elizabeth Fox-Genovese (New York: Oxford University Press, 1983), p. 250; Bertram Wyatt-Brown, “The Ante-Bellum South as a ‘Culture of Courage’,” *Southern Studies* 20,

The subject of white Southerners outside the planter elite has called forth a large body of work. This work is a vast improvement on the early writing of Yankee observers, such as the redoubtable Olmstead, who lumped together all Southern whites below the grandees as “poor whites.” Some contemporary writers focus on “poor whites,” but specify that they are dealing with landless mechanics, tenants, jacks-of-all-trades, layabouts, and even outright criminals. The writings of Forrest McDonald and Grady McWhiney on southerners as leisure-oriented herdsman originating in the “Celtic fringe” of the British Isles has helped further characterize the plain folk and poor whites. It also suggests that whites with little or no land may have been as well off as they wished to be in terms of owning cows and pigs. Information about these class fault lines has vastly increased in recent decades.⁴⁰

This growing literature shows that there was extensive “class conflict” in the Old South rooted in the usual political-economic issues: taxes, land tenure, and specification of property rights—as in the open-range question and other matters involving surviving common rights, such as hunting vs. game laws. Other fault lines were religious

no. 3 (Fall 1981), pp. 213–46; and John Solomon Otto, “Slaveholding General Farmers in a ‘Cotton County’,” *Agricultural History* 55, no. 2 (April 1981), p. 167. On the plain folk as small-scale slave-owners, see Otto H. Olsen, “Historians and the Extent of Slave Ownership in the Southern United States,” *Civil War History* 18 (June 1972), pp. 101–16; and James Oakes, *The Ruling Race: A History of American Slaveholders* (New York: Knopf, 1982). Owsley’s critics say that he tended to play down slave ownership by plain folk.

⁴⁰Frederick Law Olmstead was a careful and entertaining, if hostile, observer who noticed some distinctions among “poor whites” but did not name his subcategories. See his *A Journey in the Back Country* (Williamstown, Mass.: Corner House Publishers, 1972). On poor whites as distinct from plain folk, see Charles C. Bolton, *Poor Whites of the Antebellum South: Tenants and Laborers in Central North Carolina and Northeast Mississippi* (Durham, N.C.: Duke University Press, 1994); and J. Wayne Flynt, *Dixie’s Forgotten People: The South’s Poor Whites* (Bloomington: Indiana University Press, 1979). On the “Celtic South,” herdsman, drovers, and the open range question, see, out of a larger body of work by these authors, Forrest McDonald and Grady McWhiney, “The South from Self-Sufficiency to Peonage: An Interpretation,” *American Historical Review* 85, no. 5 (December 1980), pp. 1095–118; and Grady McWhiney, *Cracker Culture: Celtic Ways in the Old South* (University: University of Alabama Press, 1988). I shall not wade into the controversy over the term “white trash” other than to say that Southerners, as empiricists, know them when they see them. The sheer bulk of the work on plain folk, poor whites, etc., suggests that a synthesis on the subject cannot be far off.

(high church on the coast, low church in the backcountry) and cultural (planters from the southwest of England on the coast, Scots-Irish settlers inland). The state-mandated slave patrol shifted important enforcement costs of slavery onto non-slaveholders. In addition, there was as yet no single Solid South, but a variety of differing “Souths”: Tidewater, Piedmont, Mountain, and, in its own category, Texas. North Carolina polemicist Hinton Helper, radical (and racist) spokesman for the plain folk, exposed the raw nerve of Southern internal divisions just before the War for Southern Independence.⁴¹

SOUTHERN YEOMEN IN THE SECESSION CRISIS

The Secession Winter did not fully unveil the the social fault lines summarized above. The elections held to nominate delegates to the state secession conventions were probably as “fair” and representative—if not more so—as the comparable elections held to elect delegates to the conventions to weigh the proposed U.S. Constitution in 1787–1788. Ideological, unconditional Unionists seem largely noticeable by their absence. Ralph A. Wooster believes it is “a fallacy” to assume “that the organized opposition in the conventions of the cotton states was predominantly unionist.” J. Mills Thornton, III, writes that, in Alabama, opposition to remaining in the Union under Lincoln “was most forcefully expressed not in those areas which would have the most to lose, in a material sense, from emancipation. The threat was neither primarily material nor was its substance emancipation, except in the long run. The abomination with which the Republicans menaced the

⁴¹On the slave patrols and other state props of slavery, see Mark Thornton, “Slavery, Profitability, and the Market Process,” *Review of Austrian Economics* 7, no. 2 (1994), pp. 21–47. William F. Freehling’s *The Road to Disunion: Secessionists at Bay, 1776–1854* (New York: Oxford University Press, 1990) is useful on the internal diversity of the pre-“Civil War” South. On Helper, see his anti-slave-owner broadside, *The Impending Crisis of the South: How to Meet It* (New York: A.B. Burdick, 1860); as well as Hugh C. Bailey, *Hinton Rowan Helper: Abolitionist Racist* (University: University of Alabama Press, 1965). Clement Eaton discusses such Southern antislavery proponents as Helper, Daniel R. Goodloe, and Henry Ruffner in *The Mind of the Old South* (Baton Rouge: Louisiana State University Press, 1967), pp. 152–69; see also Carl N. Degler, “The Peculiar Dissent of the Nineteenth-Century South,” in *Dissent: Explorations in the History of American Radicalism*, ed. Alfred F. Young (DeKalb: Northern Illinois University Press, 1968), pp. 110–35.

South was not freedom but slavery.”⁴² Alabama’s plain folk, in other words, feared *political* enslavement in the old Union, a fear stemming from their Jacksonian commitment to republican theory. Thornton believes that the “cooperationists” in the secession debate were not, for the most part, disguised Unionists, but were men who genuinely preferred a plan of secession coordinated with other seceding states.

Michael P. Johnson’s findings concerning Georgia are similar. He notes that disunionists in Georgia campaigned on republican ideas:

When secessionists tied their hopes to the ideas of the Founding Fathers, rather than to the pro-slavery argument, they implicitly acknowledged *the limited hegemony of slaveholders*. The ideology of 1776 did what proslavery ideology apparently could not do. . . . If there had been a broad consensus on the proslavery view that slavery was the fundamental basis of southern society, secessionists would have had to demonstrate only that the Lincoln administration threatened slavery.⁴³

As it was, secession carried most of the plain folk. Similarly, Michael Holt writes that “secessionist rhetoric was aimed primarily at ideological values shared by all white Southerners, not at the economic interests of slaveholders alone,” and that “Democratic non-slaveholders were the decisive group throughout the South.”⁴⁴ He adds that the political experience of mountain Southerners, differing from that in the Lower South, gave them greater confidence that republicanism could be sustained without secession.

Once Lincoln forced their hand, the Upper South yeomen largely chose the secessionist path of their more southerly peers. Feelings of Southern solidarity (incipient “nationalism”), a particular “take” on republicanism, and (yes) fear of racial upheaval surely contributed. There were pockets of real Unionists, but to find any large number, one has to look in Kentucky, eastern Tennessee, and western Virginia.

Support for the Confederate cause by plain folk, and, indeed, by most poor whites, was probably more conditional than the Montgomery

⁴²Ralph A. Wooster, “The Secession of the Lower South: An Examination of Changing Interpretations,” *Civil War History* 7, no. 2 (June 1961), p. 125; and Mills Thornton, *Politics and Power in a Slave Society*, pp. 413–14.

⁴³Michael P. Johnson, *Toward a Patriarchal Republic*, p. 33, italics added.

⁴⁴Michael F. Holt, *The Political Crisis of the 1850s* (New York: W.W. Norton, 1983), pp. 243–44.

(later Richmond) leadership realized. In a study of populist politics in the Georgia Upcountry, Steven Hahn remarks:

Southern Rights or Unionism could be two sides of the same coin—the coin of local autonomy beholden to a particular social, economic, and political experience. . . . [Thus,] a state-rights stance could be attractive, less because it represented a constitutional protection for slavery than because it expressed a broader commitment to defending local affairs and institutions against the intrusions of outsiders.⁴⁵

SOUTHERN YEOMEN IN THE WAR FOR SOUTHERN INDEPENDENCE

The Richmond leadership cadre soon revealed itself as more Hamiltonian than Jeffersonian in practice.⁴⁶ Jefferson Davis's adoption of the so-called "offensive defense" required a far more aggressive strategy than the name suggests and involved a gargantuan effort to hold territory almost for its own sake. Worse still, the decision to spend most of the war defending *one city* remarkably close to the enemy's capital further distorted Confederate policy and wasted its resources.

These decisions precluded a genuinely defensive war shading over into guerrilla war, the kind of war which arguably had been the hidden key to American success against the British during the American Revolution.⁴⁷ In a country where many whites could ride and shoot with great skill, where they knew the country itself, and where vast expanses of varied terrain stood ready to help swallow up invaders, the offhandedness with which the West Point-trained C.S. authorities threw away the guerrilla option seems astounding, especially considering the Confederate Army's seemingly boundless willingness to use up its relatively scarce manpower in frontal charges resulting

⁴⁵Steven Hahn, *The Roots of Southern Populism: Yeoman Farmers and the Transformation of the Georgia Upcountry, 1850–1890* (New York: Oxford University Press, 1983), p. 107.

⁴⁶See Stromberg, "The War for Southern Independence," pp. 44–45; and Paul D. Escott, *After Secession: Jefferson Davis and the Failure of Confederate Nationalism* (Baton Rouge: Louisiana State University Press, 1978), pp. 82–86.

⁴⁷See Marina, "Revolution and Social Change," pp. 5–30.

in high casualty rates.⁴⁸ This decision may have stemmed from that famous “habit of command” said to be such a virtue among the planter elite.

Southerners made great fighters and bad soldiers—“bad” from the standpoint of military punctilio, that is. The Confederate Army’s “democratic” character, with its elected officers and the general atmosphere of an impromptu hunting party, is often cited by historians. Such men seem more than normally predisposed to partisan warfare. Even their inherent “Celtic” tendencies to suicidal bravery⁴⁹ might have done more good had the guerrilla option been used more frequently. Where it was employed, it succeeded. At sea, for lack of any other obvious choice, Confederate raiders accomplished much for the cause. This was, in effect, the guerrilla model afloat.⁵⁰

Guerrilla war was a real option, all the more so once the Yankees adopted proto-modern total war. Robert Kerby remarks on the potential “fit” between the culture of the Southern plain folk and guerrilla war: “The South’s enlisted men knew instinctively how to wage their revolution better than their generals did.”⁵¹ Grady McWhiney adds:

The rifled muzzleloader gave the defense at least three times the strength of the offense; theoretically the Confederates could have stayed in entrenchments and killed every man in the Union army before the South exhausted its own human resources.⁵²

Elsewhere, McWhiney notes that this lesson should have been obvious from the Mexican War, but that West Pointers on both sides, typically, had missed the point. Jefferson Davis’s last message to the people of

⁴⁸On Confederate leaders’ willingness to sustain high casualties, see Grady McWhiney and Perry D. Jamieson, *Attack and Die: Civil War Military Tactics and the Southern Heritage* (University: University of Alabama Press, 1982).

⁴⁹For this “Celtic” dimension, see McWhiney and Jamieson, *Attack and Die*, pp. 170–91.

⁵⁰See, for example, Arthur Sinclair, *Two Years on the Alabama* (Annapolis, Maryland: Naval Institute Press, 1989). For a general discussion of commerce raiding, see Larry J. Sechrest, “Privateering and National Defense: Naval Warfare for Private Profit,” *www.mises.org*, Working Papers.

⁵¹Robert L. Kerby, “Why the Confederacy Lost,” *Review of Politics* 35, no. 3 (July 1973), pp. 338–39

⁵²Grady McWhiney, “Who Whipped Whom,” in *Southerners and Other Americans* (New York: Basic Books, 1973), p. 116.

the Confederacy called for partisan warfare, but it was three-and-a-half years too late.⁵³

So why was there no Confederate guerrilla war? In an essay that compares the War for Southern Independence and the Second Anglo-Boer War of 1899–1903, George M. Frederickson suggests that, in the former case, Confederate leaders feared that such a strategy would get out of their control. Given the class divisions within the Southern white population, they did not wish to take the risk.⁵⁴ This may be true, but the decision was hardly in the interest of the majority of those called on to die.

RESULTING DISCONTENT OF THE YEOMANRY

Confederate wartime policies resulted in a loss of support for the C.S. cause. Alexander H. Stephens of Georgia, Confederate Vice President, had warned of this from the beginning. Military conscription and class-based exemptions from it, taxes in-kind, runaway inflation, impressment of private property, and similar practices alienated the Southern people. Great sacrifices leading to little apparent success squandered not just the lives and fortunes but also the good will and morale of the Confederate public, of which the most important element was the plain folk.

What followed was the rise of a wartime “peace party,” sometimes mistaken by historians, rather willfully, for ideological Unionists. Congressional elections in North Carolina sent an increasingly pro-peace delegation to the Confederate House. Much-abused Governors Joe Brown of Georgia and Rupert Vance of North Carolina emerged as spokesmen for an unorganized Confederate internal opposition “party,” as did Congressman W.W. Boyce of South Carolina. The Georgia group—Alexander Stephens, his brother Linton, Governor Brown, and Robert Toombs—were especially prominent as critics of Richmond’s policies and strategy. While they may have harbored illusions

⁵³On the U.S. and C.S. generals’ misreading of their Mexican War experience, see Grady McWhiney, “Conservatism and the Military,” *Continuity: A Journal of History*, 4/5 (Spring/Fall 1982), pp. 93–126; see also Richard E. Beringer, Herman Hattaway, Archer Jones, and William N. Still, Jr., *Why the South Lost the Civil War* (Athens: University of Georgia Press, 1986).

⁵⁴George C. Frederickson, *Why the Confederacy Did Not Fight a Guerrilla War after the Fall of Richmond: A Comparative View* (Gettysburg, Penn.: Gettysburg College, 1996), pp. 26–29.

of a negotiated peace leading to Southern independence, these disaffected “revolutionary defeatists” and their plain folk constituents had not become ideological re-unionists on Northern terms. Rather, they hoped that changes in Confederate policies, or the election of General McClellan in the North, or Northern war weariness might end the brutal war and make possible the resumption of normal life—with or without slavery, which both the war itself and Lincoln’s 1863 addition to his proclaimed war aims has already eroded.⁵⁵

Some writers imagine that widespread suffering and discontent show that the plain folk should have switched their allegiances to the *other* costly, centralizing outfit, based in Washington. They constituted, supposedly, natural Unionists: the local white constituency for the Republican Party in the South.⁵⁶ That the plain folk shunned this role for the most part is proof, for many historians, that they suffered from a “false consciousness” constructed for them by the great slaveholders, or that their “racism” was decisive. Racial antipathies certainly played an important role both North and South, but even they did not exist in a political and economic vacuum. Anyway, “racism,” a concept with ever-changing content these days, is holding up a rather heavy explanatory load in historiography and may need a rest. Racism must be factored in, but other things were at stake.

THE YEOMEN MOBILIZE TO DEFEAT OUTSIDE OCCUPATION

The C.S. government had alienated the plain folk. Now, with Confederate defeat, the U.S. government and its allies did the same

⁵⁵Stromberg, “The War for Southern Independence,” p. 45; for the waning of Confederate morale, see Escott, *After Secession*, pp. 94–134; on the North Carolina “peace” contingent, see Richard E. Beringer, “The Unconscious ‘Spirit of Party’ in the Confederate Congress,” in *Beyond the Civil War Synthesis*, pp. 185–201; on economic conditions, see Robert B. Ekelund, Jr., and Mark Thornton, “The Union Blockade and Demoralization of the South: Relative Prices in the Confederacy,” *Social Science Quarterly* 73, no. 4 (December 1992), pp. 890–902, and “The ‘Confederate’ Blockade of the South,” *Quarterly Journal of Austrian Economics* 4, no. 1 (Spring 2001), pp. 23–42; for defenses of Stephens, see John R. Brumgardt, “The Confederate Career of Alexander H. Stephens: The Case Reopened,” *Civil War History* 27, no. 1 (March 1981), pp. 64–81; and William Marina and Joseph Stromberg, “‘Truths of the Defeated’: Alexander H. Stephens’s Reflections on the Course of the American Republic,” *Continuity: A Journal of History* 9 (Fall 1984), pp. 121–38.

⁵⁶Ash, “Poor Whites in the Occupied South, 1861–1865,” pp. 40–62.

and more. As for the yeomen's "natural role" as the Southern Republican mass base (alongside the freedmen), the national Republicans' betrayal of plain folk allies (if any) was inevitable, and sooner rather than later. The party of the Union quickly alienated its limited plain folk and poor white supporters by appearing too egalitarian, and by letting it seem that its real interests were railroad bonds, business subsidies, and government salaries, in pursuit of which they imposed much higher taxes than Southerners were accustomed to paying. In their last desperate years in power, the Republicans in the South sacrificed the freedmen's interests *first* in a vain attempt to keep their white supporters in tow—another of those tragic ironies of which revisionists like to write.

The vast majority of the plain folk had not been tempted to join the "biracial social revolution" offered by their late conquerors. The North had answered the question often heard during the last two years of the war: could the Northern government be more despotic than the one in Richmond? In an exercise in Anglo-American empiricism, many plain folk quickly concluded that it could. That lesson learned, the plain folk and the former planters strove by means fair and foul to drive out the occupiers and unmake their institutions. They succeeded with respect to the Yankees' social revolution, but failed, in the end, to reverse the Yankees' hard-won control over the South's political economy. Given the circumstances, though, such an outcome does not seem unexpected.

CENTRALITY OF TAXATION AND LOCAL SELF-GOVERNMENT

The plain folk did not take kindly to either foreign occupation or the temporary elevation of the freedmen. They had just been dragged through a brutal and destructive war, which their betters both North and South claimed had somehow centered on the question of slavery. To expect them to be kindly disposed would be too much.

But does racism really possess all the explanatory powers which contemporary writers attribute to it? A growing literature sees taxation as the decisive issue for the plain folk and, along with that, a desire, stemming from the republican ideological heritage, to recover local self-government. Thus, J. Mills Thornton, III, demonstrates that pre-war Southern governments derived much of their revenue from property taxes on slaves. This in itself says something about the plain folk's political power in the face of supposed planter hegemony. After the

war, that property no longer existed, and the radical Reconstruction governments resorted to general taxes on land. Further, the Republican regimes were committed to such ambitious projects as expanded public education, "infrastructure," and that perennial favorite, railroad subsidies.

As a result, hard-pressed yeoman farmers trying to recover from war-wrought destruction found themselves presented with drastically higher tax bills. Some had never even *seen* a tax bill before the war. While details vary from state to state, Thornton sees something that has eluded historians:

Recent historians of Reconstruction, displaying little sensitivity to the world view of nineteenth-century Southern small farmers, have therefore been unable to offer any compelling explanation for small farmers' behavior during the decade [1867–1877]. Small farmers' increasing distrust of the Republicans, and their eventual cooperation with the Redeemer Democrats in overthrowing Reconstruction, have been attributed simply to racism. . . . [But] racism [is not] an all-purpose explanation for small farmers' electoral behavior.⁵⁷

John Tice Moore believes that the Redeemers delivered most of what their plain folk constituents wanted:

[T]he southern Democrats neither abandoned the farmers nor embraced Whiggery in the aftermath of Reconstruction. Indeed, their economic programs were more congruent with the ideals of Jefferson, Jackson, or even Calhoun than with those of Clay or Webster.⁵⁸

Revisionists tend to complain that Democrats' exploitation of the tax issue was somehow "unfair." *What*, exactly, would revisionists expect them to have done? The Southern states were not modern social democracies working on the assumption that there is no limit, in principle or fact, to the amount of people's wealth which may be taxed away and spent on "services." The plain folk got what they wanted,

⁵⁷J. Mills Thornton, III, "Fiscal Policy and the Failure of Reconstruction in the Lower South," in *Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward*, ed. J. Morgan Kousser and James M. McPherson (New York: Oxford University Press, 1982), pp. 349–94, quotations on pp. 349–50.

⁵⁸John Tice Moore, "Redeemers Reconsidered: Change and Continuity in the Democratic South," in *C. Vann Woodward: A Southern Historian and His Critics*, ed. John Herbert Roper (Athens: University of Georgia Press, 1997), p. 110.

and if they wanted the wrong thing, they were still better off in that respect than modern Americans. The Redeemers, if not perfect, were cheaper to maintain. Under their regimes, many plain folk regained lands lost to tax sales during the Republican rule.⁵⁹

Michael R. Hyman writes, however, that many yeoman farmers in the lower South were unhappy even with the lower level of taxes under the Redeemers. Such farmers resented tax concessions to corporations but “did not favor correcting deficiencies in southern state tax systems by centralizing the systems. *They preferred to keep tax officials responsible to the communities they served.*”⁶⁰ This may be “false consciousness” and mistaken self-interest, but it does reflect an ideological continuity in plain folk thinking from Jefferson and Jackson down to secession, war, Reconstruction, and, probably, into the Populist movement.

With a certain loss of ideological precision, the republican tradition contributed to the Southern Populist movement of later decades. Clyde Wilson finds Populists “chiefly in the upcountry plantation belt, among the small planters and larger yeomen—the same regions that had been most in favor of secession in 1861.” He notes that Tom Watson, the Georgia Populist *par excellence*, “was tutored in politics by the Confederate statesmen Robert Toombs and Alexander Stephens.”⁶¹

LOCALISM, NATION-STATE, AND EMPIRE

The revisionists’ refrain that the Redeemers, or Bourbon Democrats, as they are later called, were “just as corrupt” as the carpetbaggers

⁵⁹Moore, “Redeemers Reconsidered,” p. 107.

⁶⁰Michael R. Hyman, “Taxation, Public Policy, and Political Dissent: Yeoman Dissatisfaction in the Post-Reconstruction Lower South,” *Journal of Southern History* 55, no. 1 (February 1989), p. 68, emphasis added.

⁶¹Clyde Wilson, “Up at the Fork of the Creek: In Search of American Populism,” *Telos* 104 (Summer 1995), p. 78. For earlier phases of republicanism (“country ideology”), see Robert Shalhope, “Toward a Republican Synthesis,” *William and Mary Quarterly*, 3rd ser., 29, no. 4 (January 1972), pp. 49–80; and John M. Murrin, “The Great Inversion, or Court versus Country: A Comparison of the Revolution Settlements in England (1688–1721) and America (1776–1816),” in *Three British Revolutions: 1641, 1688, 1776*, ed. J.G.A. Pocock (Princeton, N.J.: Princeton University Press, 1980), pp. 368–453; and Clyde Wilson, “The Jeffersonian Conservative Tradition,” *Modern Age* 14, no. 1 (Winter 1969–70), pp. 36–48.

and scalawags obscures an important truth: people might endure a little “political capitalism”⁶² at the local level more easily than a full-fledged program of centralized state capitalism, however benevolent the professed intentions of its sponsors. Seen through social democratic glasses, the Bourbons did nothing for the people except leave them alone in most respects. Why that particular service is felt to be unworthy, I do not know.

Reconstruction can be seen as a phase in the consolidation of the U.S. continental-imperial state apparatus.⁶³ At the level of the saved Union, Northern politicians and their business allies got what they wanted: a consolidated national state against which no region or locality would again dare “rebel.” Despite internal differences within the national political elite,⁶⁴ they were able to impose a political economy resting on high tariffs and subsidies to favored industries, a system that historians ever after have denounced as constituting “*laissez faire*.” In republican terms, the war and Reconstruction represent the triumph of the Court party. Secretary of State William H. Seward, who lasted from the first Lincoln administration into that of Grant, perfectly embodies the Northern mercantilist program. It is no accident that Seward had already envisioned a U.S. neo-mercantilist world empire.⁶⁵

Neither is it especially accidental that the Saved Union now undertook to solve the Plains Indians problem, as DiLorenzo points out. Likewise, the Republican platform of 1856 had denounced Southern slavery and Mormon polygamy as “twin relics of barbarism.” By the 1880s, the Saved Union was solving the Mormon problem, too, using

⁶²See Gabriel Kolko, “Max Weber on America,” in *Studies in the Philosophy of History*, ed. George H. Nadel (New York: Harper & Row, 1965), pp. 180–97.

⁶³On the “civil war” and Reconstruction as state-building processes, see Bessel, *Yankee Leviathan*. Norbert Finzsch and Jürgen Martschukat, ed., *Different Restorations—Reconstruction and “Wiederaufbau” in the United States and Germany: 1865–1945–1989* (Oxford: Berghahn Books, 1996), compares state-building “reconstructions” in the United States and Germany; unfortunately, with few exceptions, the essays in this collection set a good example of how *not* to write comparative history.

⁶⁴See Howard K. Beale, “The Tariff and Reconstruction,” *American Historical Review* 35, no. 2 (January 1930), pp. 276–94; and Stanley Coben, “Northeastern Business and Radical Reconstruction: A Re-Examination,” *Mississippi Valley Historical Review* 46, no. 1 (June 1959), pp. 67–90.

⁶⁵Ernest N. Paolino, *The Foundations of the American Empire: William Henry Seward and U.S. Foreign Policy* (Ithaca, N.Y.: Cornell University Press, 1973).

its by now habitual methods. Interestingly, the only opposition to the bills that escheated the Mormon Church's Salt Lake and other properties, set up special, manipulable registrars of elections, and the rest of it, came from Southern Democrats who saw the persecution as an anti-republican repetition of Reconstruction. Southerners had regarded Mormonism and its "peculiar institutions" as another crazed by-product of Yankee intellectual ferment and religious instability. Nevertheless, roughly half the members of Southern Congressional delegations overcame their strong aversion to Mormonism and voted against the anti-Mormon legislation.⁶⁶

There is also an interesting parallel between the way in which U.S. and British ruling groups abandoned their ostensible commitment to subject non-white peoples as part of their respective "reconstructions" of secessionist peoples in the South and the Boer Republics.⁶⁷ Their political-economic goals secured, both empires left the care of subject populations in the hands of the conquered. This was an imperfect result in an imperfect world, but, for those there at the time, it seemed better than a renewal of either war or its low-intensity equivalent. War is a blunt instrument unsuited, perhaps, for delicate projects of social reform.

No space remains to address such other outstanding issues of the post-Reconstruction South as the "internal colonialism" thesis of C. Vann Woodward, Walter Prescott Webb, B.B. Kendrick, and A.B. Moore. Nor can I do justice here to the debate over the notion of a Southern "Prussian Road to Capitalism" conditioned by Northern power, or to the fate of the freedmen abandoned by their putative Northern protectors. The same applies to the interesting debate over the political "bearing" of the closure of the Old South's open range. Such questions of ideology, political power, and economics must wait for another day.⁶⁸

⁶⁶DiLorenzo, "Reconstructing America," p. 20; David Buice, "A Stench in the Nostrils of Honest Men: Southern Democrats and the Edmunds Act of 1882," *Dialogue: A Journal of Mormon Thought* 21, no. 3 (Fall 1988), pp. 100–13. For the larger, structural problem, see D.W. Meinig, "The Mormon Nation and the American Empire," *Journal of Mormon History* 22, no. 1 (Spring 1996), pp. 33–51.

⁶⁷Joseph R. Stromberg, "Maatskappy, State, and Empire: A Pro-Boer Revision," *Journal of Libertarian Studies* 14, no. 1 (Winter 1998–99), pp. 21–26.

⁶⁸I expressed some views on these matters in 1979 which, in the light of more reading (and criticism), I may wish to revise. A well-established "Civil War"

YET ANOTHER “IRONY”?

The aftermath of the war of 1861–1865 suggests that the ordinary people of the North, Northern “plain folk,” so to speak, lost something in the war for which they thought they were fighting. For Eric Foner, this is just another tragic irony of history:

modern, total war, against the intentions of those who fought, was a powerful modernizing force, [which brought about] the rationalization of capitalist enterprise, the centralization of national institutions, and, in certain industries, mechanization and factory production. . . . Each side fought to defend a distinct vision of the good society, but each vision was destroyed by the very struggle to preserve it.⁶⁹

Perhaps, but perhaps not. Maybe Northerners’ support for Lincoln’s invasion of the South, and not the Southern plain folk’s failure to rally behind Lincoln, was the great mistake, the *real* problem. False consciousness can be argued more than one way. Foner’s view perfectly illustrates what Edward P. Lawton saw as the Northerners’ “fatalistic view of history”: their “mixed pragmatic-deterministic perspective on the events of our past.”⁷⁰

I leave the final word on the war and Reconstruction to the eminent historian Clyde Wilson:

Historians who are well aware of the corruption that followed the war . . . seem to imply that it mysteriously appeared after Lincoln’s death, and somehow miss the obvious conclusion that it was implicit in the goals of the Lincoln war party. This is to abandon fact and reason for the mysticism of Union and emancipation, a pseudo-religious appeal inappropriate to the discourse of free men.⁷¹

historian treats theses put forward by Frank Meyer, Murray N. Rothbard, Joseph R. Stromberg, and Jeffrey Rogers Hummel, in Thomas J. Pressly, “‘Emancipating Slaves, Enslaving Free Men’: Modern Libertarians Interpret the United States Civil War, 1960s–1990s: A Review Essay,” *Civil War History* 46, no. 3 (September 2000), pp. 254–65.

⁶⁹Eric Foner, “The Causes of the American Civil War: Recent Interpretations and New Directions,” in *Beyond the Civil War Synthesis*, pp. 31–32.

⁷⁰Lawton, *The South and the Nation*, p. 31.

⁷¹Clyde N. Wilson, “War, Reconstruction, and the End of the Old Republic,” in *The Costs of War: America’s Pyrrhic Victories*, ed. John V. Denson, 2nd ed. (New Brunswick, N.J.: Transaction Publishers, 1999), p. 160.

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THE CONSOLIDATION OF STATE POWER VIA RECONSTRUCTION, 1865–1890

Thomas J. DiLorenzo^{*}

All radical schemes to reconstruct the South entailed some more or less permanent expansion of central state activity and expenditures.

– Richard Bense, *Yankee Leviathan*

In 1998, I argued that Abraham Lincoln's ascendancy to the presidency signified a final victory of sorts for the eighteenth- and early-nineteenth-century Hamiltonians' quest to construct a highly centralized state that would maintain power via an alliance with government-subsidized businesses.¹ This was always the Whig Party's agenda, and Lincoln was a Whig for much longer than he was a Republican.

The War for Southern Independence was not a war "to free the slaves," as the high school civics class version of history has been presented by government-run schools for some 135 years. Rather, it was a war between Northern Yankees who wanted to replace the Old Republic with a highly centralized, mercantilist state, and Southerners who wanted to maintain the Founders' system of limited, decentralized government.

An auxiliary myth has it that federal policy in the conquered South was aimed at "binding the nation's wounds" and establishing a "just and lasting peace," as Lincoln said. While many Americans sought these noble goals, they are to be distinguished from the state, whose objectives were quite different.

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¹Thomas J. DiLorenzo, "The Great Centralizer: Abraham Lincoln and the War Between the States," *Independent Review* 3, no. 2 (Fall 1998), pp. 243–79.

In this article, I will argue that the main purpose (and effect) of the 1865–1877 “Reconstruction” policies was to centralize and consolidate state power and to establish Republican Party political hegemony. It was *not* to “heal the nation’s wounds” or economically revitalize the South. Indeed, Reconstruction created new wounds and economically destroyed the South. Its purpose was to continue the economic plundering of the Southern states for as long as possible, and to establish a national Republican Party political monopoly.

The federal government did not totally succeed in this endeavor, thanks to continued Southern political resistance and a still-vibrant support among the American people for constitutional government. Nevertheless, by 1890, the federal government was vastly larger than the founders ever envisioned, and its purpose had changed from the protection of individual liberty to the quest for empire.

THE DUNNING SCHOOL AND THE REVISIONISTS ON RECONSTRUCTION

A great deal of excellent scholarship on Reconstruction was published during the early twentieth century by such historians as Claude Bowers and the Columbia University historian William Archibald Dunning and his cadre of graduate students.² Distinguished historians James Ford Rhodes and James G. Randall also contributed to the view of Reconstruction as a vindictive, abusive, corrupt, political racket.³ Dunning, Rhodes, Bowers, and Randall were Northerners who documented in great detail how the Republican Party—which is to say the federal government—ignored presidential vetoes and federal court rulings, disenfranchised white Southerners while giving the vote to ex-slaves (who were instructed to vote Republican), formed new state puppet governments run by Republican Party hacks from the

²Claude Bowers, *The Tragic Era: The Revolution after Lincoln* (New York: Houghton-Mifflin, 1929); William Archibald Dunning, *Reconstruction: Political and Economic* (New York: Harper & Brothers, 1907); and William Archibald Dunning, *Essays on the Civil War and Reconstruction* (New York: Harper & Row, 1965).

³James Ford Rhodes, *History of the United States from the Compromise of 1850 to the Final Restoration of Home Rule at the South in 1877* (New York: Macmillan, 1900); and James G. Randall, *The Civil War and Reconstruction* (Lexington, Mass.: D.C. Heath, 1951).

North, and used this power to plunder Southern taxpayers for more than a decade after the war.

Beginning in the 1930s, and especially since the 1960s, a group of “revisionist” historians has challenged what has come to be known as the “Dunning School” of Reconstruction scholarship. This group of scholars, dominated by “Marxists of various degrees of orthodoxy,” rarely dispute the facts as established by the Dunning School. They acknowledge that “much of what Dunning’s disciples have said about Reconstruction is true.” Relying heavily on Marxian class conflict theory, they merely painted what they considered a more “enlightened” picture of the era.⁴

These Marxist and “liberal” revisionists argue that Reconstruction wasn’t all *that* bad compared to, say, what happened after the Japanese invaded Nanking in the 1930s, or the Nazi occupation of Europe, or the deeds of the Russian army in Germany at the end of World War II. After all, they argue, there were not even any mass executions of former Confederates after the war.⁵ Southerners were indeed “lucky” in this regard, according to the revisionist view.

As Kenneth Stampp smugly remarked, “As ideas about race have changed, historians have become increasingly critical of the Dunning interpretation of Reconstruction.”⁶ Because Dunning and his disciples provided accurate descriptions of ex-slaves and their role in Southern politics after the war, Marxist-Liberal revisionists have sought to discredit the Dunning School’s views by labeling them racist.⁷ This was

⁴Kenneth M. Stampp, *The Era of Reconstruction: 1865–1877* (New York: Alfred A. Knopf, 1966), p. 9. For a sample of the revisionist perspective, see, e.g., Kenneth M. Stampp and Leon F. Litwack, *Reconstruction: An Anthology of Revisionist Writings* (Baton Rouge: Louisiana State University Press, 1969). The most prominent contemporary historian of Reconstruction is Marxist Eric Foner, *Reconstruction: America’s Unfinished Revolution* (New York: Harper & Row, 1988).

⁵Stampp, *The Era of Reconstruction*, p. 9.

⁶Stampp, *The Era of Reconstruction*, p. 20.

⁷For example, Dunning, in *Reconstruction: Political and Economic*, p. 175, wrote that “It was plausibly argued [by Southerners] that the right of intelligent white women to vote was as worthy an object of a constitutional guarantee as the right of ignorant and degraded black men.” Words like “ignorant” and “degraded” were surely accurate descriptions of the illiterate and propertyless ex-slaves in 1866, but they have generated outrage from Marxist revisionists.

not so much because the facts of the Dunning interpretation have been challenged, but because Dunning and his disciples have been declared “racist” by contemporary, politically correct historians.

However, there is a problem with judging the credibility of Reconstruction scholarship by using the criterion of allegedly racist attitudes: every revisionist is a Lincoln idolater. More than 16,000 books have been written about Lincoln, and it is hard to find one that does not deify him. Myriad excuses have been invented to rationalize his every unsavory act and deed, and many of these excuses have been concocted by the same revisionist historians who reject the Dunning School’s view of Reconstruction. The problem with this is that Lincoln himself was a white supremacist all his life who did not believe that the two races should even mingle. If revisionists are to dismiss Dunning’s interpretation of Reconstruction on the grounds that he and his students were insensitive to blacks, then, to be consistent, they should be just as skeptical of what has been written about Lincoln over the past 100 years.

LINCOLN ON RACE

Ironically, there is no better illustration of how “ideas about race have changed” than Lincoln’s statement in his September 18, 1858, debate with Senator Stephen Douglas:

I will say then that I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races—that I am not nor ever have been in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races from living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race.⁸

When asked what should be done if the slaves were freed, Lincoln’s response was to send them all back to Africa: “Send them to Liberia, to their own native land. But free them and make them politically

⁸Abraham Lincoln, *The Collected Works of Abraham Lincoln*, ed. Roy Basler (New Brunswick, N.J.: Rutgers University Press, 1953), pp 145–46.

and socially our equals? My own feelings will not admit this.”⁹ As president, Lincoln encouraged free black leaders to lead an exodus back to Africa, and prepared legislation to send freed blacks to Haiti and Central America—anywhere but the United States. Lincoln, a lifelong supporter of the African colonization proposal championed by his political idol, Kentucky slave-owner Henry Clay, said on December 1, 1862, “I cannot make it better known than it already is. I strongly favor colonization.”¹⁰

In *Forced into Glory: Abraham Lincoln’s White Dream*, historian and *Ebony* magazine editor Lerone Bennett, Jr., painstakingly makes the case that Lincoln was as much a white supremacist as any man has ever been, that he was always a colonizationist who opposed slavery’s extension into the new territories not out of moral conviction but from a desire to keep the West white, and that the Emancipation Proclamation did not free a single slave but was a public relations stunt designed to discourage European governments from assisting the Confederacy.¹¹

Lincoln married into a slave-owning family, and he and his wife, Mary Todd Lincoln, were handsomely subsidized with earnings from the family’s slave plantation in Kentucky. He laughed harder than anyone at black-faced minstrel shows,¹² frequently used the “N” word, supported the Illinois “Black Codes” which rendered most trades and occupations and schools off-limits to black people, personally ordered Union army officers to return escaped slaves to their owners, required every member of his cabinet to sign a pledge supporting the Fugitive Slave Clause of the Constitution, and referred to blacks and Mexicans as “Mongrels.”¹³

While a leader of the Illinois Legislature, Lincoln supported an amendment to the Illinois Constitution that forbade the immigration of blacks into the state. As a member of that legislature, he voted to deny blacks the right to vote, opposed Negro citizenship, opposed allowing blacks to serve as jurors or hold public office, and favored laws that taxed blacks to help pay for schools their own children were

⁹Lincoln, *Collected Works*, pp. 255–56.

¹⁰Lincoln, *Collected Works*, p. 685.

¹¹Lerone Bennett, *Forced into Glory: Abraham Lincoln’s White Dream* (Chicago: Johnson Publishing, 1999).

¹²Bennett, *Forced into Glory*, p. 90.

¹³Lincoln, *Collected Works*, p. 235.

forbidden to attend.¹⁴ As an Illinois lawyer, Lincoln defended a slave-owner but never a fugitive slave. (The Lincoln establishment's ridiculous excuse for this is that "his heart wasn't really in it," as though it is possible to know what was "in the heart" of a man who lived 150 years ago.)

Bennett does a commendable job of illustrating the ludicrous extent to which the Lincoln establishment has gone to make incredible excuses for Lincoln's odious behavior and language. Reading Lincoln's *Collected Works* without the spin put on his speeches by historians and journalists, one gets the clear impression that his close personal friend, Union General Donn Piatt, spoke the truth when he described Lincoln as a man who, descended "from the poor whites of a slave state, through many generations . . . inherited the contempt, if not the hatred, held by that class for the Negro and could no more feel sympathy for that wretched race than he could for the horse he worked or the hog he killed."¹⁵

THE POST-WAR ECONOMY

The Southern economy was almost completely destroyed by the federal army and navy during the War for Southern Independence. As described in the *Documentary History of Reconstruction*, "Never had a completer ruin fallen upon any city than fell upon Charleston."¹⁶ In 1870, five years after the war's end, the Tennessee Valley consisted "for the most part of plantations in a state of semi-ruin," with many others "of which the ruin is . . . total and complete. . . . The trail of war is visible throughout the valley in burnt up gin-houses, ruined bridges, mills, and factories . . . and large tracts of once cultivated land stripped of every vestige of fencing."

In Virginia, "from Harpers Ferry to New Market . . . the country was almost a desert. . . . The barns were all burned; a great many of the private dwellings were burned; chimneys standing without houses, and houses standing without roofs."¹⁷ Southern soldiers returning from

¹⁴Bennett, *Forced into Glory*, pp. 194–95.

¹⁵Allen T. Rice, ed., *Reminiscences of Abraham Lincoln by Distinguished Men of his Time* (New York: Macmillan, 1971), pp. 481–82.

¹⁶Walter L. Fleming, ed., *Documentary History of Reconstruction* (New York: McGraw Hill, 1966), vol. 1, p. 9.

¹⁷Fleming, *Documentary History of Reconstruction*, p. 10.

the war found their homesteads destroyed, their farms devastated, and their communities on the brink of starvation. Roads and railroad beds were mostly destroyed, and in North Georgia there was “a degree of destitution that would draw pity from a stone.”¹⁸ Many Southern women, fearful that their small children would starve, traded sex for food with the hated federal soldiers.

President Andrew Johnson’s wise abolition of all restrictions on interstate trade helped reestablish commercial relationships between all the states, but it took an entire century for the Southern economy to regain the proportional relationship to the North that existed in 1861. Southern state governments were run by military dictatorships in the form of federally appointed U.S. Army generals, for the most part. The sitting governors of Southern states whom the federal army captured at the end of the war were imprisoned without trial.¹⁹

RECONSTRUCTION AND REPRESENTATION

The first order of business for these puppet governments was to convene “kangaroo” constitutional conventions that declared invalid the ordinances of secession. Jefferson Davis, in military prison at the time, never had a trial at which he could have made the case for secession; Republican Party political hacks simply declared the right of secession—the very right upon which the nation was founded—to be illegitimate.

President Johnson vetoed the Civil Rights Bill of 1866 on March 27 of that year on the grounds that it federalized law enforcement and was therefore unconstitutional. “The bill embodied an unheard-of intrusion of the Federal government within the sphere of the states, and was a stride toward centralization,” Dunning explained.²⁰ Moreover,

Never before had Congress been known to arrogate to itself the power to regulate the civil status of the inhabitants of a state. The proposition that United States courts should assume jurisdiction of disputes relating to property and contracts, and even of criminal actions down to common assault and battery, seemed like a complete revelation of

¹⁸Fleming, *Documentary History of Reconstruction*, p. 21.

¹⁹Dunning, *Reconstruction: Political and Economic*, p. 35.

²⁰Dunning, *Reconstruction: Political and Economic*, p. 64.

that diabolical spirit of centralization, of which only the cloven hoof had been manifested heretofore.²¹

Congress overrode President Johnson's veto, declared political war on him, and almost succeeded in impeaching him.

Congress blackmailed Southern states into passing the Fourteenth Amendment to the Constitution by otherwise prohibiting congressional representation until they ratified it. In so doing, the federal government effectively seceded from the union—a union which Lincoln never admitted had been broken. Every Southern state except Tennessee voted against ratifying the amendment. Southern legislators objected to the fact that all high-ranking former Confederates were forbidden from running for public office; they believed that the amendment would lead to a strong centralization of power in Washington, and put forth

the contention that, if the communities which the legislatures represented were really states of the Union, the presence of their members in Congress was essential to the validity of the amendment; while if those communities were not states, their ratification of the amendment was unnecessary.²²

Congress responded to the South's rejection of the Fourteenth Amendment by passing the Reconstruction Act of 1867, which established a comprehensive military dictatorship to run the ten states that were not yet restored to the union. The law, passed under the false pretense that there was little or no protection of life and property in the South, required that a state pass the Fourteenth Amendment before military rule would be ended. And it was indeed a false pretense, since Southern courts had been operating normally since the end of the war.

At the same time, great resources were expended on registering the male ex-slaves to vote, while most Southern white men were disfranchised by a law denying the vote to anyone involved in the late "rebellion." So rigorous were the restrictions placed on white Southern males that anyone who even organized contributions of food and clothing for one's family and friends serving in the Confederate army was disfranchised, as were all who purchased bonds from the Confederate government.²³ Even if one did not participate in the war effort,

²¹Dunning, *Essays on the Civil War and Reconstruction*, p. 93.

²²Dunning, *Reconstruction: Political and Economic*, p. 84.

²³Dunning, *Essays on the Civil War and Reconstruction*, p. 181.

voter registration required a *public* proclamation that one's sympathies had been with the federal armies during the war, something very few white Southerners would say.

The so-called "Union Leagues," run by Republican Party hacks and federally funded, administered the voter registration of the ex-slaves to assure Republican Party hegemony. For years, these men, along with government bureaucrats associated with the "Freedmen's Bureau," promised blacks that if they voted Republican, they would be given the property of the white population.

The result was that by 1868, ten of the fourteen Southern U.S. senators, twenty of the thirty-five representatives, and four of the seven governors were Northern Republicans who had never met their constituents until after the war.²⁴ Political office holding was the exclusive prerogative of a small number of white men who professed allegiance to the Republican Party. Only after several years were blacks permitted to hold public office.

If Northerners, out of concern for social equality, wanted blacks to have the vote, then one has to wonder why Ohio, Michigan, Minnesota, and Kansas would not extend the right to vote to blacks in 1867 and 1868. Women were not given the right to vote until 1920, but there was no agitation by Northern Republicans in the 1860s and 1870s to extend the franchise to women. If voting was such an important civil right, one has to wonder why Republican politicians thought that illiterate and propertyless ex-slaves deserved it, but the many highly educated and accomplished women did not.

The military purged from office any local public officials who did not strictly adhere to the Republican Party programs. In May of 1868, "the mayor, chief of police and other municipal officers of Mobile [Alabama] were summarily removed, and their places were filled with 'efficient Union [i.e., Republican Party] men'."²⁵ Before Reconstruction was ended in 1877, federal military authorities restaffed the municipal governments of every Southern city of any size. The rule of law meant next to nothing, for it could at any time be superseded by military order.

After years of such tyranny at the hands of military dictatorships, the Southern states consented to the Fourteenth Amendment. By then,

²⁴Dunning, *Reconstruction: Political and Economic*, p. 120.

²⁵Dunning, *Essays on the Civil War and Reconstruction*, p. 152.

though, New Jersey and Ohio, disgusted by Republican Party tyranny, had voted to revoke their previous ratifications of the amendment. Congress failed to secure the constitutionally required three-fourths majority, but simply issued a “joint resolution” declaring the amendment valid anyway.

What did the Republican Party do with its monopolistic political power? It first plundered Southern taxpayers by greatly expanding state and local governmental budgets. Little of this governmental expansion benefited the general public; the main beneficiaries were the thousands of “carpetbaggers” (and a few “scalawags”) who populated the newly bloated governmental bureaucracies and who benefited from government contracts. A few crumbs went to ex-slaves to solidify their political support. As Dunning observed:

[T]he expenses of the governments were largely increased; offices were multiplied in all departments; salaries were made more worthy of the now regenerated and progressive commonwealths; costly enterprises were undertaken. . . . The result of all this was promptly seen in an expansion of state debts and an increase of taxation that to the property-owning class were appalling and ruinous.²⁶

One of John C. Calhoun’s greatest fears, that democracy would evolve into a class warfare system whereby the tax-consuming class would perpetually loot the tax-paying class, was enshrined as national policy toward the South.²⁷ As Dunning further remarked, the property-owning class, which paid most of the taxes, “was sharply divided politically from that which levied them, and was by the whole radical theory of the reconstruction to be indefinitely excluded from a determining voice in the government.”²⁸ It was a far worse situation than Calhoun ever imagined. The tax-consuming “class” did not just outvote the tax-paying class, it disfranchised it altogether.

Perhaps the most insidious effect of the expansion of state and local government was that it provided for tax-funded government schooling, influenced heavily by the federal government. Generations of Southerners have been taught a politically correct version of history (and of many other subjects) in federalized, government-run schools.

²⁶Dunning, *Reconstruction: Political and Economic*, p. 206.

²⁷Ross M. Lence, *Union and Liberty: The Political Philosophy of John C. Calhoun* (Indianapolis, Ind.: Liberty Fund, 1992).

²⁸Dunning, *Reconstruction: Political and Economic*, p. 206.

CORPORATE WELFARE AND POLITICAL CORRUPTION

The biggest item on the Republican agenda was the government subsidizing corporations that bankrolled the Republican Party. The Confederate Constitution had outlawed such corporate welfare,²⁹ but the defeat of the Confederate armies left no viable opposition to such a policy. From 1866 to 1872, the eleven Southern states amassed nearly \$132 million in state debt for railroad subsidies alone.³⁰ In countless instances, bonds were issued but backed by no property of any value. In many states, bonds were sold before work began on railroads, and “dishonest promoters sold these bonds for what they could get and never built the roads.”³¹

Not surprisingly, “railways that had been owned in whole or in part by the states were grossly mismanaged, and were exploited for the profit of politicians.”³² And, to no one’s surprise,

the progressive depletion of the public treasuries was accompanied by great private prosperity among [Republican] politicians of high and low degree. . . . Bribery became the indispensable adjunct of legislation, and fraud a common feature in the execution of the laws.³³

Railroad companies bribed legislators to sell state railroad holdings to them for next to nothing. In Alabama, General James H. Clanton observed that “in the statehouse and out of it, bribes were offered and accepted at noonday, and without hesitation or shame,” the effect was “to drive the capital from the state, paralyze industry, demoralize labor, and force our best citizens to flee Alabama as a pestilence.”³⁴

Revisionist historians do not dispute any of this. Foner, for example, wrote of how “every Southern state extended munificent aid to railroad corporations” which had to be abandoned by the early 1870s

²⁹Marshall DeRosa, *The Confederate Constitution of 1861* (Columbia: University of Missouri Press, 1992).

³⁰Dunning, *Reconstruction: Political and Economic*, p. 208.

³¹E. Merton Coulter, *The South During Reconstruction* (Baton Rouge: Louisiana State University Press, 1947), p. 150.

³²Dunning, *Reconstruction: Political and Economic*, p. 208.

³³Dunning, *Reconstruction: Political and Economic*, p. 209.

³⁴Coulter, *The South During Reconstruction*, p. 151.

due to gross mismanagement and the fact that the subsidies “opened the door to widespread corruption.”³⁵

The railroad debacle replayed the Whig/Republican pipe dream of creating prosperity through mercantilism rather than through free markets. It was a replay because the last time the same coalition exerted national influence, in the 1830s, the same thing had happened but on a national scale. At that time, the Whig Party was successful enough in many states to enact massive railroad and canal-building subsidies. The result was that

in every State which had gone recklessly into internal improvements the financial situation was alarming. No works were finished [None!]; little or no income was derived from them; interest on the bonds increased day by day and no means of paying it save by taxation remained.³⁶

Things were so bad that the country suffered a national recession.

At the time, Abraham Lincoln was Illinois Whig Party leader and the man most responsible for that state’s adoption of mercantilism. The result, as described by Lincoln’s law partner, William H. Herndon, was

a debt so enormous as to impede the otherwise marvelous progress of Illinois. . . . The burdens imposed by this Legislature under the guise of improvements became so monumental in size it is little wonder that at intervals for years afterward the monster [of debt] repudiation often showed its hideous face.³⁷

The “internal improvement system, which Lincoln had played such a prominent part in adopting, had collapsed, with the result that Illinois was left with an enormous debt and an empty treasury.”³⁸

One of Dunning’s students, Ellis Coulter, catalogued the myriad ways in which Republican Party hacks figured out how to loot Southern taxpayers.³⁹

³⁵Foner, *Reconstruction: America’s Unfinished Revolution*, p. 380.

³⁶John Bach McMaster, *1830–1842*, vol. 6 of *A History of the People of the United States* (New York: D. Appleton, 1914), p. 628.

³⁷William H. Herndon and Jesse W. Weik, *Life of Lincoln* (New York: Da Capo Press, 1983), p. 161.

³⁸Herndon and Weik, *Life of Lincoln*, p. 161.

³⁹Coulter, *The South During Reconstruction*, pp. 148–49.

DiLorenzo – The Consolidation of State Power via Reconstruction

- By 1870, Florida's state government printing costs alone exceeded the entire state budget for 1860. The legislature sold to its friends (and its members) more than 1 million acres of public land for five cents an acre.
- The South Carolina legislature paid supporters \$75,000 to take a state census in 1869, although the federal government was to do the same thing a year later for \$43,000. It also paid the House Speaker an extra \$1,000 after he lost \$1,000 on a horse race.
- Before the war, a session of the Louisiana legislature cost about \$100,000; after the war, the cost exceeded \$1 million because of lavish spending on lunches, alcohol, women's apparel, and even coffins. The Louisiana legislature purchased for \$250,000 a hotel that had just sold for \$84,000, and chartered a navigation company and purchased \$100,000 in stock even though the company never came into being. The chief justice of the state supreme court and his business partners purchased a railroad from the state for \$50,000 after the state had spent more than \$2 million on it.

Property taxes were increased by intolerable amounts so that government officials could then confiscate property for "unpaid taxes." As a South Carolina politician explained: "Land in South Carolina is cheap! We like to put on the taxes, so as to make it cheap!"⁴⁰ In Mississippi at one point, about one-fifth of the entire state was for sale. In Arkansas, a 228-page book was needed to advertise all the tax-delinquent land sales there. By 1872, property taxes in the South averaged about four times what they were in 1860, and in South Carolina, they were thirty times higher.⁴¹

Tax collectors, in turn, stole much of this money. In Florida in 1872, more than half a million dollars collected in taxes collected was never turned over to the state treasury.⁴² Since few ex-slaves had the resources with which to purchase significant tracts of land, one can reasonably assume that the main beneficiaries of these tax sales were carpetbaggers and scalawags. Once the ex-slaves began advancing economically and owning property, many of them joined

⁴⁰Coulter, *The South During Reconstruction*, p. 155.

⁴¹Coulter, *The South During Reconstruction*, p. 156; and Foner, *Reconstruction: America's Unfinished Revolution*, p. 376.

⁴²Coulter, *The South During Reconstruction*, p. 156.

with Southern whites to form tax-resisting associations that sought tax relief.

Although the South was destitute, a punitive five cents per pound federal tax was placed on cotton, making it difficult, if not impossible, for many cotton growers to stay in business. A military order was issued that anyone who had sold cotton to the Confederate government must give up their cotton to the U.S. government. Hundreds of U.S. Treasury agents swarmed over the South, confiscating cotton with the backing of armed U.S. troops. Little money made it to the U.S. Treasury, however, for the Treasury agents embezzled much of it (which was actually a better use of the money than fueling a bigger central government). As described by Sherrard Clemens, an investigator employed by President Andrew Johnson, "The local Agent divides these proceeds [from selling confiscated cotton] with the sub-Agents, or fails to make any return to the Treasury Department at all," so that the agents all "share the unlawful plunder."⁴³ In many instances, Treasury agents were simply shakedown artists who "would propose to seize a man's property in the name of the United States, but abandon the claim on the payment of heavy bribes."⁴⁴

One can get an idea of how wealthy some Republican politicians became through this racket by the example of Illinois native Henry Clay Warmoth, the governor of Louisiana who, on an \$8,000 per year salary, "accumulated" more than \$1 million in four years.⁴⁵ Governor Warmoth was most appropriately named, for the whole corrupt system of corporate welfare, protectionism, and central banking that the Republican Party championed was Clay's own "American System."⁴⁶ To keep this corrupt system running, the Republican-controlled governments subsidized pro-Republican newspapers to the tune of tens of thousands of dollars annually and, in some cases, granted them legal monopolies in the newspaper business in particular towns.

Lincoln's election signified the final political victory for the Hamiltonian centralizers, whose banner was carried by the Whigs starting in the 1830s, and by the Republicans from 1856 on. They advocated

⁴³Fleming, *Documentary History of Reconstruction*, p. 28.

⁴⁴Fleming, *Documentary History of Reconstruction*, p. 31.

⁴⁵Bowers, *The Tragic Era*, p. 363.

⁴⁶Robert V. Remini, *Henry Clay: Statesman for the Union* (New York: Norton, 1991).

centralized state power, corporate welfare, protectionism, and central banking—i.e., mercantilism. Once the Republican Party established itself as a political monopolist during Reconstruction, it immediately went to work expanding all the planks of the old Whig platform. It is important to recall that the Confederate Constitution outlawed protectionist tariffs and corporate subsidies. Likewise, a Southerner, Andrew Jackson, had abolished the second Bank of the United States, temporarily putting an end to central banking. The political economy of the North was as opposite as it could be from that of the South.

FROM REPUBLIC TO EMPIRE

With the Confederate army out of the way and no one in a position to make principled, constitutional arguments against such vast expansions of state power, the Republicans went to work creating a highly centralized mercantilist state that they hoped would keep them in power indefinitely. They were also imperialists in the tradition of the party's political inspiration, Henry Clay, who, upon entering Congress, urged his colleagues to attempt to conquer Canada.⁴⁷

Similarly, in 1865, General Ulysses S. Grant was itching to invade Mexico. Just one month after Lee surrendered at Appomattox, Grant sent General Philip Sheridan to Texas with orders to “assemble a large force on the Rio Grande” for a possible invasion of Mexico to expel the French.⁴⁸ Fortunately, the planned invasion never materialized.

The U.S. government next began antagonizing the British, who had traded with the Confederate government during the war. Led by Charles Sumner, the government began demanding “reparations” for Union damage that such trade had supposedly caused. On July 26, 1866, Congress modified the neutrality laws to permit warships and military expeditions to be fitted out against friendly powers, such as England.⁴⁹ Several bands of Irish Americans, with the implicit approval of the U.S. government, invaded Canada but were quickly driven back, further antagonizing the British.

President Grant proposed another expansionist venture that ultimately failed, the annexation of Santo Domingo. In July of 1865,

⁴⁷Remini, *Henry Clay*.

⁴⁸Dunning, *Reconstruction: Political and Economic*, p. 153.

⁴⁹Dunning, *Reconstruction: Political and Economic*, p. 160.

before his election as president, while still Commander of the U.S. Army, Grant gave General Sherman the assignment to conduct a campaign of ethnic genocide against the Plains Indians to make way for government-subsidized railroads. Sherman wrote to Grant in 1866,

We are not going to let a few thieving, ragged Indians check and stop the progress of the railroads. We must act with vindictive earnestness against the Sioux, even to their extermination, men women and children.⁵⁰

The character of the American state had changed almost overnight from one whose primary responsibility was protecting the lives, liberty, and property of its citizens to an expansionist, imperialistic power more willing than ever to trample on individual rights and abandon the Constitution to achieve these ends. This was especially easy to accomplish once the check on centralized power, created by states' rights, was destroyed.

The corruption that accompanied railroad "construction" in the South was multiplied many times over through the massive subsidies for transcontinental railroads funded by the federal government. Per-mile subsidies created incentives to build wildly circuitous routes in order to collect more subsidies, cheap construction materials were used, and the emphasis was on speed, not workmanship. Republican legislators accepted bribes in return for appointing railroad commissioners who were political supporters with no railroad experience. By May of 1869, the corruption and inefficiency were so rampant that both the Union Pacific and Central Pacific railroads were bankrupt.⁵¹

As an apparent reward for mass murdering the Plains Indians and confiscating their land for the benefit of the railroads, General Sherman acquired land near Omaha at less than one-third of its market price.⁵² Credit Mobilier company stock was given to congressmen as a form of bribery; during the Grant administrations (1869–1877), it was revealed that Schueler Colfax, the Speaker of the House and Grant's vice president, had been given Credit Mobilier stock, as had more than a dozen prominent Republican congressmen. Grant's Secretary of War,

⁵⁰Michael Fellman, *Citizen Sherman: A Life of William Tecumseh Sherman* (Lawrence: University of Kansas Press, 1995), p. 264.

⁵¹Burton Folsom, *Entrepreneurs versus the State* (Herndon, Va.: Young America's Foundation, 1988).

⁵²Folsom, *Entrepreneurs versus the State*, p. 21.

W.W. Belknap, was forced to resign for having accepted bribes. His private secretary, Orville Babcock, was involved with a ring of stock swindlers. Treasury Secretary W.W. Richardson was implicated in a tax swindle. Even Grant's ambassador to England, Robert Schenck, had to plead diplomatic immunity to avoid being arrested for selling Londoners worthless stock in American "mining companies."⁵³ The Reconstruction-era Republican Party was such a band of thieves that historian Mark Summers wrote a book about it appropriately entitled *The Era of Good Stealings*.⁵⁴

Republicans were not necessarily more corrupt than were Democrats (or anyone else, for that matter), but the expanded size and scope of government, and its centralization in Washington, guaranteed such actions. Government power corrupts.

THE PERMANENT EFFECTS OF RECONSTRUCTION

In 1861, America was essentially an anarcho-capitalist society, or, at least, came as close to it as any society in recent memory. As Richard Bensel wrote in *Yankee Leviathan*,

the American state emerged from the wreckage of the Civil War. The state that early American nationalists [i.e., the Hamiltonians] had previously attempted to establish at the Constitutional Convention in 1787 had become a mere shell by 1860—a government with only a token administrative presence in most of the nation and whose sovereignty was interpreted by the central administration as contingent on the consent of the individual states. [A]n account of the American state formation can begin with the Civil War.⁵⁵

During the war and until the 1880s, when Southern Democrats began to reassert their influence in Congress, the Republican Party *was* the state. It was a monopoly government exercising its greatly expanded powers on behalf of the Northern industrial and financial

⁵³Paul Johnson, *A History of the American People* (New York: Harper Collins, 1998), p. 544.

⁵⁴Mark W. Summers, *The Era of Good Stealings* (New York: Oxford University Press, 1993).

⁵⁵Richard Bensel, *Yankee Leviathan* (Cambridge: Cambridge University Press, 1990), p. ix.

interests who funded its political operations. Among the closest parallels to this mercantilist state, Bensel writes, are the “PRI in Mexico, the Congress Party in India, and the Bolsheviks in the early years of the Soviet Union.”⁵⁶

The Republican Party used its monopoly power to raise tariff rates to historically high levels and keep them there for the rest of the century. A federal internal revenue bureaucracy was created for the first time, and has never been scaled back. Myriad federal excise taxes were enacted during the war, only some of which were repealed when the war ended. A system of national banks was re-established with the National Currency Acts of 1863 and 1864. A prohibitive ten percent tax on the issuance of bank notes drove state banks out of business.

As discussed above, the taxing and money-creating powers of the central government financed corporate welfare schemes to railroad, canal-building, and other private companies. The mass murder of the Plains Indians, under the direction of Generals Grant, Sherman, and Sheridan, was a form of veiled corporate welfare for the railroads, who could have alternatively paid the Indians for rights of way through their property, as did the great (unsubsidized) railroad entrepreneur James J. Hill.⁵⁷ As historian Leonard Curry observed, “Throughout the remainder of the nineteenth century (and beyond), corporate interests—apparently insatiable—returned again and again to demand direct and indirect federal subsidies.”⁵⁸

Farm welfare was established for the first time with the creation of the U.S. Department of Agriculture, and military pensions for Union Army veterans constituted the first federal welfare program with a large contingent (veterans) of lobbyists for its expansion. Public lands were given away or sold at below-market prices to corporate interests that supported the Republican Party, while having served in the Confederate Army disqualified one from participating in public land sales.

Before the war, all of these interventions faced strong opposition from those who argued that the U.S. Constitution did not permit them. But during the war, Republicans adopted the novel theory of “war

⁵⁶Bensel, *Yankee Leviathan*, p. x.

⁵⁷Folsom, *Entrepreneurs versus the State*.

⁵⁸Leonard P. Curry, *Blueprint for Modern America: Nonmilitary Legislation of the First Civil War Congress* (Nashville, Tenn.: Vanderbilt University Press, 1968), p. 247.

powers” which they used to justify any and all economic and social legislation. After the war, they continued their attack on the Constitution by, among other means, arguing that although their programs may not, strictly speaking, be constitutional, they were at least in the “spirit” of the document.

In the late eighteenth century, the states, through state political conventions that voted to adopt the Constitution, created the federal government as their agent. The federal government was therefore created by a voluntary association of states, several of which (New York, Rhode Island, and Virginia) specifically reserved the right to withdraw from the union at any time, while the other states all understood that this right existed. The Republican Party abolished this form of government and replaced it with the opposite system whereby the states are totally subservient to the central government.

Reconstruction ended in 1877, after which the Democratic Party in general, and Southern Democrats in particular, slowly gained influence in Washington. The result was a temporary slowdown of the relentless march toward centralization of state power that the party of Lincoln had initiated. Grover Cleveland was perhaps the last U.S. president (1885–1889) who waged principled battles against unconstitutional usurpations of power by the centralized state. He vetoed hundreds of pension and welfare bills that would have expanded veterans’ pensions to thousands of “veterans” who had never seen combat, and would have created a welfare-dependent class. He vetoed income tax legislation and sought to cut tariffs, which he called “a vicious, inequitable, and illogical source of unnecessary taxation.”⁵⁹

But a mere decade later, William McKinley would declare war on Spain, with the result being the imperialistic acquisition of Puerto Rico, Guam, and the Philippines, and the setting of the stage for further military intervention in World War I.

CONCLUSION: REVISIONISTS AND RECONSTRUCTION

Reconstruction revisionists, the most prominent of whom is Marxist historian Eric Foner, even while admittedly agreeing with many (perhaps most) of the facts that Dunning and his disciples presented,

⁵⁹William A. Degregorio, *The Complete Book of U.S. Presidents* (New York: Wing Books, 1993), p. 328.

claim to have “overturned” the Dunning School’s interpretation of Reconstruction. They admit that government became greatly centralized (which they applaud), that there was massive corruption, that Southern property owners were effectively looted for twelve more years (which they also applaud), and that the railroad subsidies were a scandal. What, then, have they revised?

Foner summarizes what he believes are the reasons for the “demise” of the Dunning School. First, the revisionists claim to have uncovered the “real” Andrew Johnson as “a stubborn, racist politician” incapable of “responding to the situation that confronted him.”⁶⁰ But Johnson did “respond,” explaining his veto of the Civil Rights Bill as based on his opposition to the federalization of law enforcement, something that had never been done before. He simply didn’t “respond” in the way Foner would have liked. And the *ad hominem* attack on Johnson as “racist” is not an argument at all, for, as discussed above, such a criterion would mean that the words and deeds of the sainted Lincoln should also be dismissed.

Foner spends much of his 690-page book celebrating the political activism of ex-slaves during Reconstruction, noting that, in many communities, black voter turnout exceeded 90 percent. But then he claims that revisionists like himself have “proven” that “Negro rule” was a myth concocted by the Dunning School. By Foner’s own admission, however, black voters were indeed influential in the South during Reconstruction, just as the Dunning School said. The notion that they “ruled” the white population, however, is a red herring.

Foner next claims that because there were “efforts to revitalize the devastated Southern economy,” the Dunning School is wrong in its critique of economic interventionism as well. Yes, “efforts” were made, but to the extent that the Southern economy recovered, it was despite, not because of, the high taxes and extraordinarily high levels of debt imposed on it by its conquerors. Reconstruction policies hampered, rather than helped, the Southern recovery, just as similar policies had plunged the entire economy into a deep recession when the Whigs attempted a similar scheme in the late 1830s.

Foner’s claim that the revisionists have also “proven” that the Republican Party was not merely the political vehicle of Northern industrialists and financiers simply should not be taken seriously. Among the research Foner alludes to in this regard is an article by

⁶⁰Foner, *Reconstruction: America’s Unfinished Revolution*, p. xxii.

Stanley Cohen in an anthology of revisionist work. In that article, Cohen argues that since there were disagreements among Northern business interests—i.e., some wanted lower tariffs, others wanted higher tariffs—the Republican Party was not uniformly behind using its political power during Reconstruction to serve “Northern business interests” as the Dunning School had argued.⁶¹ This argument hardly makes any sense, for the fact is that Northern business interests favoring higher tariffs and railroad subsidies did have their way, despite some opposition among other Northern businesses.

Finally, Foner and the other revisionists admit that there was indeed massive corruption during Reconstruction, as documented in great detail by Dunning and his students. But the revisionists’ “rebuttal” of this evidence is to argue that corruption was even worse in the North! “[C]orruption in the Reconstruction South paled before that of the Tweed Ring, Credit Mobilier scandal, and Whiskey Rings in the post-Civil War North.”⁶²

Corruption was undoubtedly worse in the North, for there was more government there than in the South. The practice of granting government subsidies to private businesses was common in the North (as was the attendant corruption), and it was this corrupt system that was introduced to the South on a massive scale during Reconstruction. The fact that corruption was even worse in the North proves the Dunning School’s point: since massive corporate welfare was relatively new to the South, it hadn’t equaled the North in terms of political corruption. It was the expansion of government, which Reconstruction facilitated, that caused such corruption.

As Richard Bensel stated in the quotation at the beginning of this paper, virtually every program enacted under Reconstruction caused a permanent expansion of the central government. Once one recognizes that Republican Party politicians were the political heirs to the Whigs, who were themselves heirs to the Hamiltonians, it becomes clear that this result was not just a by-product of the quest for “social equality,” as revisionist historians argue, but the intended effect all along.

In short, William Archibald Dunning and his students got it right.

⁶¹Stanley Cohen, “Northeastern Business and Radical Reconstruction: A Re-Examination,” in Stamp and Litwack, *Reconstruction: An Anthology of Revisionist Writings*.

⁶²Foner, *Reconstruction: America’s Unfinished Revolution*, p. xxii.

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